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Security Council

Sixty-fifth year

Provisional

6354th meeting

Wednesday, 7 July 2010, 10 a.m.
New York

President:	Mrs. Ogwu	(Nigeria)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Ms. Čolaković
	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	France	Mr. Araud
	Gabon	Mr. Moungara Moussotsi
	Japan	Mr. Takasu
	Lebanon	Mr. Assaf
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. Çorman
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. Rice

Agenda

Protection of civilians in armed conflict

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President: I should like to inform the Council that I have received letters from the representatives of Afghanistan, Argentina, Australia, Bangladesh, Canada, Colombia, Germany, India, Israel, Italy, Liechtenstein, Norway, Pakistan, Peru, Sierra Leone, the Syrian Arab Republic, South Africa, Switzerland, the United Republic of Tanzania, Uruguay and the Bolivarian Republic of Venezuela, in which they request to be invited to participate in the consideration of the item on the Council's agenda.

In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

I invite Mr. Holmes to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights.

It is so decided.

I invite Ms. Pillay to take a seat at the Council table.

I should like to inform the Council that I have received a letter from His Excellency Mr. Pedro Serrano, in which he requests to be invited, in his capacity as acting head of the delegation of the European Union to the United Nations, to participate in the consideration of the item on the Council's agenda.

If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Serrano.

It is so decided.

I invite Mr. Serrano to take the seat reserved for him at the side of the Council Chamber.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I would like to welcome the presence of His Excellency Secretary-General Ban Ki-moon. I now invite him to take the floor.

The Secretary-General: I would like to thank the Government of Nigeria for convening this debate, and I commend the Security Council for its continued engagement on the protection of civilians in armed conflict.

The wilful targeting of civilians, disproportionate attacks, sexual violence, forced displacement and the denial of humanitarian access remain widespread in armed conflict and are often carried out with impunity. Ongoing or recent events and conditions in Kyrgyzstan, Gaza, the Sudan, Sri Lanka, Somalia, the Democratic Republic of the Congo and elsewhere remind us that the protection of civilians remains a huge common challenge.

The Council has adopted important measures designed to put civilians first. It has been especially encouraging to see the institutional steps that the Council has taken to improve its ability to respond. The aide-memoire (*S/PRST/2009/1, annex*) is bringing greater consistency to efforts to address protection concerns. The informal expert group that has been established has become a valuable forum for providing the Council with essential and timely perspectives from the humanitarian community. But there is more that the

Council can, and must, do. With that in mind, today I will focus on specific aspects of the core challenges I identified in my report of May 2009 (*S/2009/277*).

The first is to maximize the impact of peacekeeping missions in protecting civilians. I welcome the Council's efforts in designing peacekeeping mandates to increase emphasis on the protection of civilians. However, in order for peacekeeping operations to successfully implement those challenging mandates, it is essential that the Council provide missions with the sustained political support they require. The Council's engagement is vital to make certain that peacekeeping operations are adequately resourced and to ensure that mission leadership is fully empowered to take forward that complex mandated task on the international community's behalf. Similarly, troop and police contributors must arrive to the mission area with a common understanding of what protection of civilian mandates entails, and with the capabilities and willingness to implement them.

As we seek to protect civilians from the effects of violence, it will also be critical to manage expectations. Certainly, we would like to be able to protect all people from all threats at all times. But that is a very difficult task even for national Governments in times of peace.

The dialogue on those issues has made positive progress within the Council, as well as within this year's meeting of the Special Committee on Peacekeeping Operations. The recently published joint independent study by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations also offers important suggestions for bridging the gaps between mandates and action on the ground. I count on Member States' support as the Secretariat continues to address the areas in which its performance vis-à-vis the protection of civilians must be improved. Developments in two missions warrant particular attention.

In Chad and the Democratic Republic of the Congo, respectively, we face the withdrawal and drawdown of United Nations peacekeeping operations. While I welcome the wish of host Governments to uphold their sovereign responsibilities to their civilian populations, we must fully consider the effects of a premature drawdown in situations that are still fragile. Clear benchmarks should be set for the achievement of civilian protection goals. Once set, they should be achieved before peacekeepers leave.

A second core challenge is increased compliance by non-State armed groups with international law. With non-State armed actors figuring in every armed conflict today, there is clearly a need to engage such groups on humanitarian issues. Let us recognize the distinction between dialogue for humanitarian purposes and for political ones. This is necessary so that States can overcome their reluctance to engage for fear that doing so is tantamount to according recognition or status to such groups. It is also essential, since even armed groups that violate basic international norms as a matter of routine can and should be brought into dialogue for purely humanitarian purposes, including humanitarian access.

Indeed, States and non-State actors alike must be encouraged to provide and permit greater humanitarian access. In too many cases, States lack capacity or, worse, are inclined to deny their responsibilities, deny the existence or degree of humanitarian need, and construct unnecessary bureaucratic obstacles.

This brings me naturally to another core challenge: accountability. Violent crimes are not the only ones that harm civilians. Acts of omission, including the hindering of humanitarian access, can be just as or even more damaging. Those who create such obstacles must also be held accountable, be they State or non-State actors. This is a crucial part of our work — to rid the world of zones where humanitarian needs go unmet.

There have been significant advances in the normative capabilities of national and international systems. Much of this progress derives from the work of the International Criminal Court and its beneficial effects, including the integration of the Rome Statute crimes into national legal systems. But here, too, more must be done to increase the expectation that violators will have to face the consequences of their actions.

Earlier this year, and in consultation with regional organizations, I dispatched a commission of inquiry to Guinea to help bring accountability for crimes committed during violence there in September 2009. In Sri Lanka, I have emphasized the importance of an accountability process for alleged violations of human rights and humanitarian law by all sides to the conflict that ended there in 2009. I have appointed a panel of experts to advise me on these issues.

Over the past decade, the protection of civilians agenda has advanced considerably, thanks in great part to the work of this Council. While the conduct of hostilities and their immediate consequences must remain a major focus, that alone would mean treating symptoms rather than causes. Armed conflict, particularly the intra-State disputes that are now the norm, is often the result of a lack of good governance, competition for scarce resources, or the complex interaction of factors, including ethnicity, or all of these combined. Climate change, desertification and land disputes can be additional drivers of conflict, and a lack of effective security and rule of law mechanisms can exacerbate the problems.

These are the broader challenges the Security Council must address with determination to prevent and resolve conflicts. That, in the longer term, is the best way of bringing about real protection for civilians.

The President: I thank the Secretary-General for his statement.

At this meeting, the Council will hear briefings by Mr. John Holmes and Ms. Navanethem Pillay. I now give the floor to Mr. Holmes.

Mr. Holmes: First of all, allow me to express my sincere appreciation to you, Madam President, and the Government of Nigeria for convening this high-level open debate.

I will reflect not only on some recent developments, but also briefly on those of my almost three and a half years as Emergency Relief Coordinator. I will also cover five specific issues: engaging non-State actors, humanitarian access, the harmful effect of explosive weapons, protection in peacekeeping missions, and accountability.

The decade since the Security Council first focused on the protection of civilians has seen significant development of the normative framework. The Security Council has played an important role in expanding the weight of international jurisprudence on the conduct of hostilities; on the regulation of small arms, light weapons, mines and explosive remnants of war; on the displacement of civilian populations; on assistance to conflict-affected populations, including humanitarian access and the safety and security of humanitarian workers; on accountability for violations of the law; and on the protection of especially vulnerable groups, such as women and children.

But, as I have asked before, the key question is whether these positive developments have actually improved the condition of civilians in armed conflict, or have normative advances merely widened the gap between international rules and reality on the ground, or created a new gap and called further into question the relevance of the law and the credibility of Security Council pronouncements?

Since I last briefed the Council (see S/PV.6216), there have been two important institutional developments that should bear fruit. Following the adoption of resolution 1888 (2009), the first ever Special Representative of the Secretary-General on Sexual Violence in Conflict, Margot Wallström, was appointed. Should anyone doubt the need for urgent attention to the problem, according to the United Nations Population Fund, 15,275 rapes — the vast majority by armed men — were reported in eastern Democratic Republic of the Congo in 2009. And we know how few of the real number of rapes are reported. The director of the Panzi Hospital of Bukavu, Dr. Mukwege, told me recently that the problem of violent rape was worse than ever. The Council needs to continue to insist on comprehensive strategies to help put an end to sexual violence in armed conflict.

More recently, in May, the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, briefed a United Nations sanctions committee for the first time on the unlawful recruitment of children into armed groups in the Democratic Republic of the Congo. The Security Council has not often launched targeted measures against identified perpetrators responsible for grave violations against children. Doing so in the case of the Democratic Republic of the Congo would be an important signal in a region where impunity is so prevalent.

Other mechanisms have helped to improve the quality of information available to the Security Council. For example, the Security Council's informal expert group on the protection of civilians has been briefed 14 times since its inception in 2009. Nevertheless, I fear that all too little has changed for the better on the ground in recent years. Civilians account for the vast majority of casualties in armed conflicts, especially in the internal conflicts that are now the norm, and they are increasingly targeted by combatants and armed elements.

In 2009 alone, there were thousands of civilian conflict deaths, from Gaza to Sri Lanka to the Democratic Republic of the Congo to Pakistan, Afghanistan and Somalia, and elsewhere too; and untold numbers of other casualties, including physical and psychological injury to men, women and children, as well as the destruction of their social, economic and cultural ties and institutions.

This year does not look, so far, much better. According to official reports, 275 people were killed by the violence that broke out on 10 June in southern Kyrgyzstan, although the real death toll may be much higher, and the ethnic element involved is very worrying. In Somalia, in the past three months, just two of the main hospitals in Mogadishu have admitted over 1,384 war casualties, of whom 328 were children under 15.

Displacement through conflict is also getting worse. In 2009, 6.8 million people were displaced within their own country by conflict, more than at any point since the mid-1990s. Some 1.8 million alone were in Pakistan, although many have since returned, but the Democratic Republic of the Congo, the Sudan, Somalia, the Philippines and Colombia also experienced large-scale new displacements. In Colombia, the number of internally displaced persons (IDPs) is estimated by the Government to have increased in 2009 by 146,000. An alarming total of 27.1 million — the highest ever — were internally displaced globally at the end of last year as a result of conflict.

Again, this year so far is also depressing. An upsurge in violence in Darfur has displaced 116,000 more people in the first half of the year. Another 90,000 people fled their homes in the southern Sudan over the same period as insecurity mounted in the run-up to the referendum in early 2011. In Kyrgyzstan, 375,000 people were forced to flee their homes.

Equally worrying, new displacements continue to far outnumber returns and the reintegration of IDPs. Durable solutions are woefully missing for millions in protracted displacement situations, increasing both despair and reliance on humanitarian assistance. In this context, the Kampala Convention adopted by the African Union last October was a significant milestone. IDP hosting states must now apply the Convention on the ground to protect and assist IDPs. I also urge that, as part of the search for durable solutions and in the wider context of peace negotiations in places like Darfur, issues of land and property be given higher priority. The High Commissioner for Refugees also reported recently that there remained 15.2 million refugees around the world in 2009, many of them in protracted situations, and that 2009 was the worst year for voluntary repatriations in two decades.

In my last briefing (see S/PV.6216), I noted that every armed conflict in the world today involves the participation of one or more non-State armed groups. So it is clear that enhancing the protection of civilians and reducing human suffering must, in part, be achieved by engaging with them over access and aid delivery and also by trying to influence their conduct and improve their compliance with humanitarian and human rights law.

This is not just theory. Special Representative of the Secretary-General for Children and Armed Conflict has engaged with armed groups to address their recruitment and use of children and has used action plans signed by such groups to bring the practice to an end. UNICEF and the World Health Organization have been able to immunize millions of children by obtaining support for "days of tranquility" from parties to conflict, including, notably, the Taliban in Afghanistan. In Gaza, engaging the de facto authorities is indispensable in order to provide assistance to the people in need, address growing human rights and protection concerns, and guarantee the security of aid workers. These contacts do not in any way legitimize either the goals or the conduct of armed groups, but they do show that engagement by humanitarian actors with such groups can genuinely improve the treatment of civilians.

I call once again on the Council and on Member States more widely to respect and promote this engagement and not to discourage it through, for example, donor practices which, however well intentioned, in reality criminalize contacts or the unintended provision of goods in ways which limit humanitarian assistance.

Constraints on humanitarian access remain a major problem. For example, the World Food Programme has been driven out of large parts of South Central Somalia by Al-Shabaab violence and threats; in North-East Democratic Republic of the Congo and southern Central African Republic, lack of

infrastructure and violent attacks by parties to conflict and criminal groups prevent humanitarians from reaching many victims of atrocities perpetrated by the Lord's Resistance Army (LRA). In many parts of Afghanistan and Pakistan, humanitarian actors cannot operate because of hostilities and insecurity.

Violent attacks on humanitarian personnel and assets — whether politically or economically motivated — are the biggest threat. Over 100 humanitarian workers were killed in 2008 and 2009; at least 30 have been killed while carrying out their work so far this year. Over 200 have been kidnapped and injured in the past four years.

Criminally-motivated attacks on humanitarian actors as soft targets, and in the context of wider lawlessness, remain a particular challenge in places such as Darfur, Chad and the Democratic Republic of the Congo. On other fronts, the mechanisms to streamline bureaucratic requirements in Darfur and enhance access, jointly agreed with the Government of the Sudan, urgently need to be reinvigorated. In Gaza, a year and half after operation Cast Lead and three years after it was first instituted, the blockade is still in place, despite recent welcome steps to ease it.

States legitimately demand that international humanitarian action be fully coordinated with the appropriate domestic authorities. But I urge all affected States to use close cooperation with humanitarian actors to facilitate and expedite humanitarian aid to all who need it, and not slow it down or block it, or try to make artificial distinctions between the provision of goods and services and equally essential protection work designed to prevent abuses and save lives.

Explosive weapons are of particular concern in the protection of civilians where their use is inherently indiscriminate. A landmine does not know whether the person who steps on it is a combatant or civilian. For example, in Colombia at least 50 per cent of the territory has been declared affected by mines, and the country has one of the highest rates of landmine victims in the world. Like unexploded cluster munitions, landmines remain active long after the conflict has ended or moved on, creating deadly risks to civilians.

But the use of "ordinary" explosive weapons in populated areas also repeatedly causes unacceptably high levels of harm to civilians. From air strikes and artillery attacks in Afghanistan, Somalia, Yemen and Gaza to rockets launched at Israeli civilian areas by Palestinian militants and car bombs and suicide attacks in Pakistan or Iraq, the use of explosive weapons and explosives has resulted in severe civilian suffering. The threefold increase in drone attacks in Afghanistan and Pakistan over the past year is of concern, given the inevitable risk of unintended civilian casualties.

In Afghanistan, suicide and improvised explosive device attacks by armed groups now cause more civilian casualties than any other tactic, representing 44 per cent of the total civilian casualties in 2009, or 1,054 people killed. Aerial attacks from international military operations also caused 359 civilian deaths. Suicide bombings elsewhere are also increasing and of increasing concern since the victims are so often civilians, with the attack on the Sufi temple in Lahore only one recent, horrific example. I worry that we have become so inured to such horrors that the international community now scarcely notices these events.

More research is needed on the harm caused by explosive weapons in areas where civilians are present. However, there is already enough tragic experience to encourage serious reflection on the military use of such weapons in such circumstances when measured against the enormous human suffering they cause. I urge the Council to begin a dialogue on ways to tackle this emerging issue.

The planned withdrawal of thousands of United Nations peacekeepers from Chad and potentially from the Democratic Republic of the Congo has brought the issue of the protection of civilians in peacekeeping operations into the forefront of Security Council deliberations. This part of my statement includes input from the Department of Peacekeeping Operations (DPKO).

In Chad, it is critical that the Government fully assume its protection of civilian responsibilities and benchmarks outlined in resolution 1923 (2010). We wait to see whether the withdrawal of the United Nations Mission in the Central African Republic and Chad in the East of the country will expose refugees, IDPs and the local population, as well as humanitarian actors, to new security threats. We are meanwhile working with the Government to help turn its promises into reality.

In the Democratic Republic of the Congo, the humanitarian situation in the Kivu provinces remains alarming. In Orientale province, between December

2009 and April this year, close to 500 people were killed by the LRA and 400 abducted, of whom 168 were children. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) plays a vital role in providing security and logistical support for humanitarians, and any drawdown can only heighten concerns both for humanitarians and for the populations they seek to serve.

While it is welcome that countries are determined to shoulder their sovereign responsibilities, including protecting civilians, I would strongly encourage the drawdown of United Nations peacekeeping missions to be made contingent on the attainment of clear protection benchmarks endorsed by the Security Council.

The publication in January 2010 of an independent study commissioned by the Office for the Coordination of Humanitarian Affairs and DPKO outlined in detail the steps needed to translate Security Council peacekeeping mandates into effective action on the ground to protect civilians. We are making steady progress in addressing a number of the gaps identified. DPKO and the Department of Field Support (DFS) have developed an operational concept, in consultation with troop- and police-contributing countries and other stakeholders, to bring conceptual clarity to the protection of civilians in the United Nations peacekeeping context.

Comprehensive protection strategies have been developed for MONUSCO, the United Nations Mission in the Sudan, and the African Union-United Nations Hybrid Operation in Darfur, while the United Nations Operation in Côte d'Ivoire, the United Nations Stabilization Mission in Haiti and hopefully other peacekeeping missions are not far behind. DPKO and DFS have also begun to develop protection of civilians training standards for United Nations peacekeepers, and are outlining the resource and capability requirements for implementing protection of civilians mandates. We count on the support of the Member States throughout these processes.

There can, of course, be tensions between military operations supported by peacekeeping missions and the protection of civilians. Military operations in the Democratic Republic of the Congo against the Forces démocratiques de libération du Rwanda and the LRA have often sadly been accompanied by serious humanitarian consequences. The MONUSCO conditionality policy has drawn attention to the challenges to a United Nations peacekeeping operation when it is mandated to protect civilians while supporting a party to an armed conflict that is prone to abusive conduct. Measures to prevent the United Nations from being tainted by such abuses must also fully take into account the need for effective protection of civilians by influencing the forces concerned. This is a difficult balance to strike.

And, while I am extremely worried by reports from Somalia about the number of civilians being killed and injured by both Government forces and armed groups like Al-Shabaab, I am also concerned that in its response to attacks on it, the African Union Mission in Somalia (AMISOM) — whose mandate is authorized by the Council and whose operations are financially supported by the United Nations — is not taking sufficient notice of the basic principles of distinction between combatants and civilians and proportionality in the use of force. The challenges to AMISOM are immense and its role commendable. However, more needs to be done to prevent harm to civilians and to ensure the proper investigation of alleged violations.

The final theme I would like to address is once again that of accountability. Prevention is always better than cure, and I believe in the power of deterrence. The conduct of parties to conflict is inevitably affected by their sense of susceptibility to punishment and accountability to their victims, and by clear signals that impunity will not be tolerated. The danger here is that the normative framework has outpaced the enforcement will and capacity of the international community, so I urge the Council to take a robust approach to accountability. National justice systems must remain the first line of defence, but when they prove unable or unwilling to bring perpetrators to justice and provide remedies to victims, the international community must explore alternative means.

I welcome the commission of inquiry launched by the Secretary-General for crimes committed during violence in Guinea last September. And I welcome the panel set up by the Secretary-General to advise him on accountability for violations of humanitarian and human rights law in Sri Lanka, especially in the last stages of the conflict in that country, and the mechanism recently set up by the Government of Sri Lanka itself.

Meanwhile, the calls for an inquiry into recent events in southern Kyrgyzstan are also hard to ignore. The point is that this scrutiny needs to become the norm. Actual and would-be violators need to understand that they have nowhere to hide. Politics must not always win out where powerful States or vocal States with powerful protection are involved.

The Security Council has important powers in this regard. It can include accountability and remedies within benchmarks for the protection of civilians in peacekeeping mission mandates. It can impose sanctions. It can establish international tribunals, and it has choices concerning the nature of its cooperation with the International Criminal Court. It needs to show that it is serious, and not selective, about this power. One idea is for a permanent mechanism to be established somewhere in the United Nations system to conduct inquiries on serious allegations more or less automatically, which would prevent calls for investigations from being politicized from the start.

The world has changed in the 10 years since the Security Council first focused on the protection of civilians in a thematic manner, and even in my three and a half years as Emergency Relief Coordinator. Positive normative developments contrast with a deteriorating reality on the ground and call into question the efficacy of the law and the credibility of the institutions that struggle to uphold it. So I urge the Security Council to work with Member States to craft new solutions to the changing nature of protection of civilian concerns. These new solutions must embrace an expansive vision of protection that extends beyond the immediate concerns of the battlefield. They must look to prevention as well as to mitigation. Only by focusing on consistency, credibility and a long-term approach can we hope to reduce the current gap between norms and reality.

The President: I thank Mr. Holmes for his briefing. On behalf of the Council, I would like to express our profound gratitude to Under-Secretary-General John Holmes, who is today making his last appearance before the Council. Since his appointment by the Secretary-General in January 2007, we have appreciated Under-Secretary-General Holmes' leadership as the head of the Office for the Coordination of Humanitarian Affairs and Emergency Relief Coordinator, his forthright interaction with the Council, and his deep compassion in handling very important issues. We wish him all the best in his future endeavours. I am sure that Council members will add their respective voices in a special tribute to Mr. Holmes as we bid him farewell.

I now give the floor to Ms. Navanethem Pillay.

Ms. Pillay: Madam President, allow me to express my appreciation to you and to members of the Security Council for giving me the opportunity to address the Council during this high-level debate on the vital issue of the protection of civilians in armed conflict. Since the Council was last briefed by the Office of the United Nations High Commissioner for Human Rights on this topic in November 2009 (see S/PV.6216), important developments pertaining to protection and accountability have taken place, which I will discuss today.

The Council's initiative in developing a solid framework to protect civilians in many countries is most welcome. However, protection remains a dream for victims, and the gulf between policy and practice is still vast. If we want to make a greater difference on the ground, human rights and humanitarian actors need to work together in order to give effect to the United Nations policy framework. I am sure that my colleague John Holmes would agree with me, and I would like to take this opportunity to salute him for championing humanitarian action within the United Nations system. His leadership has enabled the development of meaningful partnerships to advance protection.

The Council has long recognized that the maintenance of peace and security will not be achieved or sustained without due attention being paid to redressing grievances, ending impunity and protecting the human rights of civilians. Monitoring human rights conditions can serve to sound an alarm when situations are at risk of degenerating into violence. Information gathered by my Office as well as the United Nations human rights mechanisms, including the special rapporteurs, can be very helpful to the Council in this regard. When the security environment requires the dispatch of peacekeeping missions, a clear mandate with robust and well-resourced human rights components becomes essential for the effective implementation of protection measures.

Holding perpetrators accountable is key for the protection of civilians. Amongst the most significant actions taken by the Council for the protection of civilians is the establishment of commissions of inquiry. I am pleased that, on several occasions, the

Council and the Secretary-General have requested my Office to assist with these commissions. More use can be made of such mechanisms.

It is worth recalling that States bear the primary responsibility for carrying out investigations and prosecutions regarding genocide, war crimes, crimes against humanity and gross human rights violations. Several countries have established national commissions of inquiry. These are welcome demonstrations of a State's willingness to seek justice. True accountability can be achieved only if national inquiry mechanisms are credible, independent and impartial. Such national commissions should have the power of access to all relevant authorities, persons and information, as well as adequate financial and human resources. It is these conditions that will instil confidence and trust in these national initiatives.

The Council has acted to promote accountability. It has explicitly made its support for military operations of national armed forces conditional on their observance of human rights law, humanitarian law and refugee law. We need to ensure that United Nations and bilateral support to military operations and security sector reform are tied to promoting respect for human rights.

Let me now update the Council on situations where the protection of civilians has been, and remains, of great concern.

In Afghanistan, the intensifying conflict has had an intolerable impact on civilians. Many lives are being lost, homes destroyed and livelihoods and access to basic services threatened. Clearly, anti-Government insurgents, with their widespread use of indiscriminate suicide bombing and targeted assassinations, present a fundamental challenge. I am also concerned about civilian casualties caused by aerial attacks and ground operations, including from search and seizure operations, carried out by Afghan national security forces and international military forces. Moreover, women and girls continue to face widespread human rights abuses including abduction, trafficking, sexual violence, forced and underage marriage and harmful practices justified on the basis of tradition. I am particularly concerned about the legal framework, which in many instances institutionalizes violence and discrimination against women. Although the Government has taken steps to enact laws aimed at protecting women's rights, those laws remain largely unimplemented.

The corrosive effect of impunity on both human rights and peace is evident in the case of the Democratic Republic of the Congo. Few perpetrators of serious violations of human rights and humanitarian law have been brought to justice. Some research even indicates that rape and violence against women have increased despite all the attention they have received in recent years. In that context, I wish to recall that, in cooperation with the Government of the Democratic Republic of the Congo, my Office undertook an exercise to map out the most serious violations of international human rights and humanitarian law in that country between 1993 and 2003. That exercise is a contribution to combating impunity and supporting transitional justice. The report will be published soon.

Following the recommendations of the international Commission of Inquiry into the September 2009 events in Guinea, a start-up presence from my Office has been deployed to the country. We expect the presence to gradually evolve into a fully-fledged office that can more effectively help the Government to address the human rights challenges that the country faces. In addition, my Office has dispatched a small team to assist the authorities, in cooperation with other United Nations bodies, in ensuring respect for human rights throughout the electoral process.

The serious protection concerns in the aftermath of the earthquake in Haiti are of a magnitude that warrants the utmost attention. Death and destruction are compounded by displacement, and women and children continue to be vulnerable to widespread sexual and gender-based violence and trafficking. Alleviating those conditions remains the priority of the Human Rights Section of the United Nations Stabilization Mission in Haiti, acting in concert with the protection cluster led by my Office and the Office of the United Nations High Commissioner for Refugees. With regard to accountability for continued human rights violations, I note the establishment of the joint investigative commission which, starting next week, will seek to determine the facts around the events that led to an as of yet undetermined number of violent deaths in the Les Cayes prison on 19 January 2010.

Turning now to Kyrgyzstan, where a deadly wave of violence engulfed the south of the country in June, I am particularly concerned about the targeting and indiscriminate killing of civilians — including children — looting and destruction of public and private property, displacement and sexual violence. My Office leads the human rights sub-cluster within the protection cluster and works closely with all humanitarian agencies to address the most critical protection challenges and contribute to strengthening the rule of law. On the accountability front, I continue to be convinced of the need for an independent international inquiry. Meanwhile, we stand ready to engage, should there be credible national investigations aimed at establishing the facts and the responsibility for the attacks.

Both Palestinian and Israeli civilians have the right to live in peace and security. I welcome the decision of the Government of Israel to moderate its blockade of Gaza. Yet I stress the urgent need to ensure the open flow of imports and exports to and from Gaza. I urge the Council to take appropriate action to ensure the lifting in full of the blockade. In the West Bank, including East Jerusalem, settler violence, forced evictions, home demolitions, revocation of residency permits, arbitrary detention and torture are taking place with impunity. I urge the Security Council to support the recommendations of the United Nations Fact-Finding Mission on the Gaza Conflict (*see A/HRC/12/48*), especially those that call for accountability for all perpetrators of violations. In accordance with relevant resolutions of the Human Rights Council, a follow-up mechanism is currently monitoring and assessing domestic, legal and other proceedings undertaken by both the Government of Israel and the Palestinian side. The Council has also mandated an independent fact-finding mission, which will soon start investigating violations resulting from the Israeli military action against the flotilla carrying humanitarian assistance to Gaza.

Turning now to Sri Lanka, let me recall the unacceptably high level of loss of civilian lives caused by both sides of the conflict in that country. Since the end of the conflict, some progress has been made in the return and resettlement of internally displaced persons. Concrete initiatives must now follow to provide justice and redress to victims and to promote accountability and longer-term reconciliation. The leadership of the Secretary-General in establishing an expert panel to advise him on those issues is a welcome step in that direction.

With regard to the Sudan, sporadic fighting in Darfur between armed movements and Government forces continues to result in civilian casualties, the destruction of civilian property and large-scale displacement. Civilian lives are also being lost in inter-communal violence stemming from resource-related disputes. Across southern Sudan, also, lawlessness and inter-communal violence, compounded by the widespread proliferation of arms and ammunition, continue to put civilians at risk. In 2009 alone, there were at least 2,500 violent civilian deaths and more than 350,000 people were displaced. Given the likelihood of more violence in the lead-up to the 2011 referendum, there continues to be an urgent need for more proactive protection of civilians.

In the course of the past few decades, grave violations of human rights and international humanitarian law have been a tragic common denominator in armed conflicts, with civilian targets of attacks by State and non-State actors. I have raised today many situations needing serious and urgent attention. I welcome this opportunity to strengthen the cooperation of my Office with the Council, and I remain at its disposal to answer any questions it may have.

The President: I thank Ms. Pillay for her briefing.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

I shall now give the floor to the members of the Council.

Mr. Mayr-Harting (Austria): Let me thank you, Madam President, for organizing this debate and the Secretary-General for his statement here today and for the strong commitment he has always shown in the interest of this very important subject.

I would also like to thank Under-Secretary-General John Holmes for his briefing here today. I would like to say how greatly Austria has appreciated

his action at the head of the Office for the Coordination of Humanitarian Affairs (OCHA) during these past three and a half years. I remember quite a number of situations when the Council had some difficulty agreeing on the best political response to a crisis, and when it was OCHA under the leadership of John Holmes that was the first to make a difference on the ground. We are grateful for that as well.

Let me also thank High Commissioner Pillay for her statement. I think it is very important that she has the chance to speak to us in this context and to make the link to specific country situations where there is a protection concern.

Austria associates itself with the statement to be delivered by the European Union delegation later in this debate.

In response to last year's report of the Secretary-General on the protection of civilians (S/2009/277), the Security Council unanimously adopted resolution 1894 (2009). Eight months later, we are encouraged by the progress made in its implementation. Let me particularly thank OCHA and the Department of Peacekeeping Operations for their consistent support of this process. Resolution 1894 (2009), the in-depth discussion within this year's Special Committee on Peacekeeping Operations, the work of the Secretariat and many missions on the ground, as well as the independent study on the protection of civilians in the context of United Nations peacekeeping operations, have contributed to a better understanding of protection of civilians amongst the various stakeholders.

We are convinced that the next report of the Secretary-General will provide an important opportunity to take stock of the progress made and of remaining challenges in implementing resolution 1894 (2009). In order to reflect the recent developments, we also believe that a revised version of the aide-memoire (see S/PRST/2009/1, annex) should soon be adopted.

We are closely following how the provisions of resolution 1894 (2009) on the role of peacekeeping missions in the protection of civilians are being translated into the everyday work of the Secretariat and the Council and taken into account in the renewal of peacekeeping mission mandates. The further development and implementation of the operational concept, mission-wide protection strategies and training modules are well under way. Austria will continue to promote the use of these tools and, whenever necessary, call for the prioritization of protection tasks, such as in the course of the recent renewals of the mandates of the United Nations Operation in Côte d'Ivoire and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

We welcome the fact that protection mandates increasingly include all activities aimed at ensuring the safety and physical integrity of civilian populations, securing humanitarian access and ensuring full respect for the rights of individuals by all parties to a conflict in accordance with international humanitarian and human rights law. We also welcome United Nations efforts to promote and protect human rights in situations of armed conflict, as well as the inclusion of human rights components in peacekeeping and other relevant missions. The High Commissioner has just very clearly shown the link between human rights and protection concerns.

The ultimate goal of any peacekeeping mission with a protection mandate must be to help restore an environment in which the host State is able to fully exercise its primary responsibility to protect its own population. The untimely drawdown or premature downscaling of peacekeeping missions can seriously endanger the stability and safety of the civilian population. Mandate adjustments or the drawdown of missions therefore also need to be conditioned upon the fulfilment of benchmarks relating to the protection of civilians.

It is no secret that my country would have preferred a stronger protection of civilians component in the latest renewal of the mandate of the United Nations Mission in the Central African Republic and Chad. At the same time, we welcome the establishment of a joint working group comprising representatives of the Secretariat and the Government of the host country, who will jointly review implementation of the protection benchmarks defined by the Council. This model can also help, from our point of view, to strengthen ownership by the host country. If successful, it might be considered in the context of other missions in the future.

The Secretary-General, in his most recent report (S/2009/277), rightly listed the enhancement of compliance with international humanitarian and human rights law, as well as international criminal law, by

State and non-State actors alike as a major persistent challenge. And he said so again here today.

Perpetrators of serious violations against the civilian population still go largely unpunished. Allegations need to be thoroughly investigated and perpetrators brought to account, not only through prosecution, but also through the vetting of armed and security forces. We believe that the Council must ensure respect for its resolutions and be prepared to take vigorous measures against perpetrators, including through the establishment of commissions of inquiry, referrals to the International Criminal Court and the imposition of targeted measures.

Let me also underline the important role of national reparation programmes for victims and institutional reforms. In addition, provisions pertaining to violations against the civilian population should consistently be included in the listing criteria of relevant sanctions committees. The interaction between the relevant United Nations bodies and the Special Representatives of the Secretary-General for Children and Armed Conflict and on Sexual Violence in Conflict, on the one hand, and sanctions committees and their expert groups, on the other, needs to be enhanced. The recent briefing by Special Representative Coomaraswamy to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo was an important development. This, from our point of view, should become a standing practice.

The past two years have seen important developments in strengthening the protection of women and children in particular. We also hope that the particular protection needs of persons with disabilities and older persons, together with examples of best practices, will be addressed in the upcoming report of the Secretary-General. Concerning damages caused to the civilian population, we also follow with interest the emerging practice of making amends even if those damages do not stem from unlawful conduct.

We finally note with satisfaction that the Security Council expert group on the protection of civilians has significantly contributed to a more consistent approach of the Security Council when renewing the protection mandates of peacekeeping operations. It is essential that the group address all missions with a role in the protection of civilians.

Let me end by saying that the improvements achieved so far in the United Nations are also serving as an example for efforts by the European Union in this field. Together with its European Union partners, Austria is working to improve implementation of the protection of civilians in missions and operations run by the European Union.

Mr. Parham (United Kingdom): I thank you very much indeed, Madam President, for organizing this debate. Many thanks, too, go to the Secretary-General and to Under-Secretary-General Holmes and High Commissioner Pillay for their comprehensive briefings. Let me also echo, Madam, your warm comments marking the fact that this is probably the last appearance of John Holmes in the Council. He has greatly improved the Council's understanding of the humanitarian aspects of conflicts and crises and thereby helped the Council to enhance its responses. We should certainly reflect carefully on the points he has made today about ways in which we might try further to close the gap between norms and reality. But above all, we thank him for the leadership and commitment that he has shown to those who would, but for his efforts and the efforts of his United Nations colleagues, often be abandoned to deprivation, devastation, depredation and, frequently, death.

Global events, many of them grimly described by John Holmes just now, since the Council adopted resolution 1894 (2009) have shown that the protection of vulnerable civilian populations remains as important as ever. The forthcoming fifteenth anniversary of the Srebrenica tragedy is also a powerful reminder of why this issue is so central to the Security Council's work.

The ground is already being well covered and time is short, but I would just like to make three brief points.

First, United Nations peacekeepers play a vital part in protecting civilians, and it is right that we prioritize that task above others in certain peacekeeping operations. But we should be clear that the parties to an armed conflict bear the primary responsibility for ensuring that civilians are neither affected by that conflict nor specifically targeted.

Following the withdrawal of the United Nations peacekeeping mission in Chad — which has already been raised by previous speakers — the Chadian Government has undertaken to protect its civilian population, particularly women and children, and it

must fully honour that commitment. The work of the joint high-level working group between the Chadian Government and the United Nations will be important, and the international community should monitor its findings carefully.

Secondly, we must ensure the robust protection of humanitarian space so that civilians who are affected by armed conflict can access essential goods and services. That is primarily the responsibility of States, but when the State is overwhelmed, humanitarian agencies must be allowed to respond to needs for emergency protection and assistance. That is a basic tenet of international humanitarian law, and we must uphold it.

That is why we have long called for an improvement in the unacceptable and unsustainable situation in Gaza. Resolution 1860 (2009) called for the delivery of humanitarian aid and called on States to alleviate the humanitarian and economic situation. As my Foreign Secretary has said and as the Secretary-General said in his statement yesterday, Israel's announcement on 5 July on the easing of some restrictions on the import of goods into Gaza is welcome and marks an important step in the right direction. Those changes must now be implemented swiftly.

On the same grounds, we are concerned about poor access by humanitarian agencies to communities in the north of Sri Lanka. Ensuring freedom of movement for all internally displaced persons who remain in camps and transferring camps to civilian authority are important steps in allowing civilians to return to normal life.

That leads me to my third point. The United Kingdom is greatly disturbed by the continuing growth in the number of people displaced within their own countries as a result of conflict — a record high of over 27 million in 2009. That is an acute problem in Burma, for example, where we remain deeply concerned about the lack of progress towards national reconciliation. The Burmese military regime continues to target civilians, particularly people from ethnic minorities. The use of rape and other forms of sexual violence remain a serious concern, as do the use of child soldiers and forced labour for military use. Protecting civilians wherever and whoever they are is the best way to prevent displacement and consequent deprivation.

Thus, the United Kingdom continues to attach great importance to the protection of civilians in armed conflict. In March 2010, the United Kingdom launched a national strategy on the protection of civilians, which draws together for the first time our efforts to keep the protection of civilians at the forefront of our political, security, human rights and humanitarian work.

As Afghanistan has been mentioned by previous speakers, I should just make the point that it is important that the Council recognize the difference between, on the one hand, the Afghan and international forces, which make every effort to avoid civilian casualties and operate under a Council mandate, and the actions of armed groups that deliberately target civilians as part of their attempt to undermine the democratic process. As the Secretary-General's recent reports have made clear, the proportion of civilian casualties caused by the Taliban has grown significantly.

We have seen the valuable role played by the Security Council's informal expert group on the protection of civilians. As its chair, the United Kingdom remains committed to its work.

We welcome the appointment of Margot Wallström as the Special Representative of the Secretary-General on Sexual Violence in Conflict — an important step in this area, as John Holmes said. We support the work of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, which has led to much of the progress we have seen on the protection of children in the past year.

The United Kingdom believes that we have made much progress on the protection of civilians since the adoption of resolution 1894 (2009) in November, in particular our discussions in the Special Committee on Peacekeeping Operations, but we still have more work to do on this important issue.

Ms. Rice (United States of America): Let me begin by thanking the Secretary-General, Under-Secretary-General Holmes and High Commissioner Pillay for their briefings and their tremendous work on behalf of endangered civilians around the world. Let me also thank Mr. Holmes for his service to the United Nations. He has been an outspoken and dedicated leader. He has shown a rare and resolute determination to end the suffering of civilians under threat of war or famine. The Under-Secretary-General has my

Government's abiding respect and my warm personal thanks.

Eight months after the Council adopted resolution 1894 (2009), we still have far more work to do together to save the lives of civilians in conflict zones. The victims in situations are different: children forced to take up guns, women and girls tormented by rape and sexual abuse, refugees and internally displaced persons longing for a home and shelter, ordinary people caught in crossfire. But they all are innocent, and they should all be sheltered by the rule of law and the rules of war.

Their suffering is particularly tragic because it is so often preventable. Their voices call out to our common conscience and remind us of the urgent need to act.

Let me highlight briefly three critical areas today: first, providing the safety that humanitarian efforts need to function; secondly, moving from the ambition to protect civilians to successful actions by peacekeeping missions; and thirdly, enhancing the legal capacity to support accountability.

The United States is deeply disturbed by the increasing frequency of attacks on humanitarian workers. Such assaults violate basic principles of law and decency. Such violence not only obstructs the delivery of life-saving humanitarian assistance, but also can create an atmosphere that restricts the movement, even the presence, of international humanitarian actors. As we have recently seen in Pakistan and the Sudan, workers have been attacked, kidnapped or killed, often in cynical attempts to extend the suffering of civilians for political gain. Humanitarian agencies' local staff members can be especially vulnerable to attacks.

That is a deplorable phenomenon, but not a new one. The Council has expressed its intentions, in the words of resolution 1894 (2009), to "take appropriate steps in response to deliberate attacks against humanitarian personnel" (para. 16(c)). We have also acted, for instance, by designating al-Shabaab last April, under resolution 1907 (2009). We must make a concerted effort to identify those responsible for all attacks on humanitarian workers so that humanitarian agencies can go about their work, protecting the innocent.

Here, the resources of United Nations country teams often prove invaluable, and the United States strongly supports the protection mandates of UNICEF, the Office of the United Nations High Commissioner for Refugees and the Office of the High Commissioner for Human Rights, as well as the International Committee of the Red Cross. Together, they help promote civilians' basic rights, meet their physical needs, respect their dignity, and work to ensure their safety.

We respect the principles of neutrality, impartiality and independence under which those and other humanitarian groups, including non-governmental organizations, operate in the field. We encourage humanitarian organizations to strengthen programmes to end conflict-related sexual violence, and we urge our fellow Council members to fully support, in terms of both finances and policy, the efforts of such organizations to protect civilians and to implement the commitments that we unanimously agreed to in resolution 1888 (2009).

My second point is that peacekeeping missions play a vital role in providing support to States in which civilians are at risk. However, the Council's mandates directing peacekeeping missions to protect must be matched by resources, guidance, training and leadership.

We welcome innovative approaches by all involved to identify the threats and vulnerabilities of civilian space in the area of a mission. We applaud efforts by the Department of Peacekeeping Operations, supported by the Special Committee on Peacekeeping Operations, to develop a strategic framework for mission-wide protection strategies. As Member States, we must all support those efforts and back up peacekeeping missions with political support and capacity-building efforts. We must also pay close heed to the challenges faced by peacekeepers in the field, whether civilian, police or military personnel.

Serious challenges remain on the ground, such as those today in Darfur. That is something we must bear in mind as we approach the renewal of the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) at the end of this month. The United States supports full and proper backing to peacekeeping mandates, including that of UNAMID, so that deployed peacekeepers can protect themselves and endangered civilians, as identified in each specific mandate. Host countries with peacekeeping missions must shoulder the primary responsibility for the safety

and security of their populations, as well as for supporting those missions as they implement their mandates.

My Government fully backs the work of United Nations peacekeeping missions, working in concert with United Nations country teams and host Governments, to strengthen police and judicial mechanisms so that respect for the rule of law can counter those who seek to profit from lawlessness. We undertake significant efforts to promote the rule of law around the world, and we urge others to do the same.

Peacekeeping missions, when properly trained, well equipped and deployed with robust mandates, are critical to our overall efforts to protect civilians. But today we face the question of how to ensure that civilians are protected where strategic consent for United Nations peacekeeping evaporates and those forces are ultimately withdrawn. Such a situation is now playing out in Chad, with the continued drawdown of the United Nations Mission in the Central African Republic and Chad (MINURCAT). By the end of the year there will be no United Nations peacekeepers in Chad, and the United States is extremely concerned about that situation.

The Government of Chad should protect its own population and refugees within its territory. The international community recognizes that the Government of Chad is accountable for the welfare not only of its own citizens, nearly 170,000 of whom are internally displaced, but also for the more than 270,000 Darfuri and 74,000 Central African refugees within Chad's borders.

Finally, let me turn to the question of accountability. Governments bear the primary responsibility for protecting civilians. But other parties to armed conflict must also comply with their obligations under international humanitarian law — and all too often they do not. Those legal obligations should have legal consequences. It is incumbent upon the international community to end impunity by helping Governments create, maintain and operate credible and effective national courts where possible, or by supporting international and other mechanisms where necessary. The International Criminal Court can also be useful in the fight against genocide, war crimes and crimes against humanity.

Ongoing dialogue on this important subject is worthwhile. But this Council will be judged by its actions and their impact on civilian lives. I hope that we will take concrete action to directly challenge those who violate their obligations to protect civilians in armed conflict, that we will continue to craft peacekeeping mandates that back missions with the necessary training capability and leadership of deployed peacekeepers, and that we — both as a Council and in our national capacities — will help Governments emerging from conflict to rebuild their infrastructure and institutions to protect and provide for their civilians.

In that regard we urge continuation of the Secretariat's important work to develop a strategic framework for the protection of civilians in peacekeeping operations supported by mission-wide planning and senior leadership training. We also urge the Secretariat to complete the assessment of resources and capabilities required for those tasks as soon as possible.

We look forward to the next report of the Secretary-General on this crucially important topic. United Nations action has saved untold lives and eased unimaginable suffering, but in all too many places innocents still bear the brunt of war and conflict. We cannot yet afford to sleep easily.

Mr. Assaf (Lebanon): I wish to thank the Secretary-General for his comprehensive briefing, as well as the United Nations High Commissioner for Human Rights, Ms. Pillay, for her perceptive remarks and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Holmes, for his insightful comments. We wish him all the best in his next endeavour. Lebanon also expresses its support for the informal group of experts on the protection of civilians. Its diligent work, coupled with that of the Office for the Coordination of Humanitarian Affairs (OCHA), has been instrumental in reporting the realities on the ground.

Civilians continue to account for the majority of casualties in armed conflicts, even after more than a decade since the adoption of resolution 1265 (1999). Thus the prospects for building safe, peaceful and prosperous societies are eroded, as children's hope for the future is shattered, women and girls continue to be subject to endemic sexual and gender-based violence, and able men are killed or injured.

Tolerating impunity for the armed targeting of civilians only encourages perpetrators in their heinous

practices. Lebanon supports the establishment of standing mechanisms for the timely creation of independent fact-finding commissions in the immediate aftermath of hostilities. That would improve the Council's ability to fairly assess the realities on the ground and to take appropriate action against those parties undermining international law and international humanitarian law.

The use of cluster munitions as a means of indiscriminate attacks against civilians is particularly lethal, since its risks to civilians endure long after the conflict has ended. The Lebanese armed forces, assisted by the international community, are still working on clearing vast areas from the 4 million cluster bombs Israel dropped in the last 48 hours of the war it waged in 2006. Hundreds of civilians — a large proportion of whom are children — are still dying or losing limbs, four years on, as a result of unexploded munitions. Lebanon reiterates its demand that Israel pay due compensation for the Lebanese children and farmers harmed by cluster munitions, in addition to the fishermen and others affected by the oil spill caused by the Israeli bombing of the Jiyeh power plant in 2006.

Standing idle as human rights and international humanitarian law are violated and civilian access to aid is consistently impeded means abandoning the victims twice. The people of Gaza, whose hospitals and schools have been repeatedly bombed by the Israeli army, should be allowed to access, without waiting endless hours at checkpoints, the humanitarian aid that would cater to their basic human needs. Moreover, the blockade of Gaza should be lifted immediately and without conditions.

The efforts to protect civilians should also tackle the root causes hampering enduring peace and security, in addition to dealing with imminent physical threats. While Lebanon commends the work of the United Nations Relief and Works Agency (UNRWA) and OCHA in Gaza, the fact remains that unless the siege is lifted and the people of Gaza allowed to experience sustainable and sustained economic development, their basic human right to freedom from want and need will continue to be threatened. Lebanon also expresses its appreciation for the quick-impact projects carried out by the United Nations Interim Force in Lebanon, which have made an important difference in the lives of our citizens.

While there is no doubt that civilians in armed conflict are forced into vulnerable situations, it must be acknowledged that refugees and internally displaced persons (IDPs) are generally in even more precarious conditions. It is imperative that the international community exert a concerted effort to ensure the return of refugees and IDPs to safe and secure homes.

The Security Council has both a political responsibility and a moral duty towards defenceless civilians in situations of armed conflict, as well as towards humanitarian aid workers and journalists who risk their lives to help those vulnerable populations and to report on their plight. We owe it to them all to endow our peacekeeping operations with the necessary resources to carry out their mandates, as well as to embolden them with the necessary political will.

Mr. Churkin (Russian Federation) (*spoke in Russian*): At the outset, allow me to thank you, Madam President, for your initiative to revisit the issue of the protection of civilians in armed conflict.

In that connection, we believe that there is a clear need to be guided by the 1949 Geneva Conventions in labelling a situation as an armed conflict. That will enable us to better focus our efforts and to avoid counterproductive political interference.

We would also like to thank Secretary-General Ban Ki-moon, Under-Secretary-General John Holmes and High Commissioner for Human Rights Navanethem Pillay for their statements. We highly appreciate Mr. Holmes' work in one of the most complex areas in which the United Nations operates.

The subject under consideration today has long been at the very centre of United Nations and Security Council attention. At the same time, in spite of the efforts of the international community, the world continues to be plagued by armed conflicts that claim the lives of thousands of persons. That is the sad reality of our times. The majority of the victims of conflict are civilians, most of them belonging to the most vulnerable groups, namely, women, children and older persons. In addition, we do not find it useful to split the categories of civilians needing international protection into additional sub-categories. In that connection, we propose that we be guided strictly by the relevant provisions of the Geneva Conventions.

We resolutely condemn both wilful attacks against civilians and civilian loss of life as a result of

indiscriminate or disproportionate use of force, which constitute serious violations of international humanitarian law. Nor is there any justification for individual armed groups to seize hostages or carry out terrorist attacks against civilians.

We believe that improving the system for the collection and analysis of relevant data is necessary to effectively combat those phenomena. We request the Secretariat to be mindful of that in preparing future briefings to the Security Council on the issue of the protection of civilians.

It is clear that the protection of civilians is a priority task for all parties to a conflict. Peacekeepers, whose mandates increasingly include functions in that regard, have an important role to play in that connection. We therefore welcome the steps taken by the Department of Peacekeeping Operations to train peacekeeping personnel.

We believe that, in the current circumstances, the efforts of the international community should be aimed first and foremost at strengthening national efforts in this area. In order to enhance effectiveness in that regard, there is a need to take into account the specific characteristics of each conflict and to take the necessary decisions only on that basis, including with respect to the protection of civilians.

The United Nations should of course respond swiftly and effectively to instances of violence against civilians. What is important in that regard is that we work to prevent and to reduce conflicts and to disarm, demobilize and reintegrate former combatants. It is important that efforts in that regard be coordinated properly, with strict division of labour and responsibility in line with the Charter of the United Nations and other international legal instruments and under the leading role of the Security Council. We also believe that revisiting the issue of establishing new, separate Security Council mechanisms on the protection of civilians is not useful.

In conclusion, I would emphasize that only steadfast compliance by all parties with the norms of international humanitarian law and Security Council decisions, as well as the rejection of selective and unilateral approaches in interpreting violations, can promote improvements in conflict situations and strengthen genuine protection for civilians in armed conflicts.

Mr. Heller (Mexico) (*spoke in Spanish*): I would like to thank you, Madam President, and the delegation of Nigeria for convening this debate. I would also like to express my gratitude for the briefings by Secretary-General Ban Ki-moon, Under-Secretary-General Holmes and High Commissioner for Human Rights Pillay, which have once again served to underscore the commitment of the United Nations to strengthening international humanitarian law in order to protect the victims of armed conflict.

I should like to make special mention of Under-Secretary-General Holmes. In carrying out his responsibilities in such an excellent manner, he has been part of one of the best aspects of the Organization on the ground — humanitarian protection.

The multiplicity and complexity of today's conflicts, the lack of respect for the norms of international humanitarian law and the use of increasingly sophisticated weapons that have indiscriminate effects on civilian populations are all factors that have served to increase the challenges facing the Security Council. They have become the raw material for determining the course that the international community must take in addressing an issue of such crucial importance.

Important progress has been made in fine-tuning legislation and international norm-setting bodies. Thanks to that progress, we have been able to more adequately elaborate the concepts on the protection of civilians in armed conflicts. The Council is moving in the right direction, as evidenced by last November's adoption of resolution 1894 (2009), which places an innovative focus on mandates for peacekeeping operations to ensure that they include plans of action and strategies for the protection of civilians that ensure coordination between United Nations missions and humanitarian organizations.

The Security Council has also made progress with regard to the protection of children in armed conflict. During the debate on that issue held a few days ago (see S/PV.6341), the representative of UNICEF pointed to the development of action plans for the successful demobilization of children in the Philippines, Nepal and the Sudan, which have resulted in freeing thousands of children in countries where United Nations reporting oversight mechanisms are in place. Nevertheless, our good intentions have not yet emerged from the realm of the abstract and we

continue to lament the various acts of aggression to which civilians are subject in different regions.

Violence in the Democratic Republic of the Congo continues to take a toll on the lives of millions of civilians. The humanitarian situation there, which is marked primarily by forced displacement and the use of sexual violence as a weapon of war, is among the world's most critical.

The deterioration of the situation in Somalia as a result of decades of armed violence and social and political instability is also worrying. In Darfur, the deaths of humanitarian workers providing assistance in conflict areas is alarming. In Chad, where half a million people require humanitarian assistance, preventing a restriction of the area in which humanitarian work is being carried out is a major challenge. Afghanistan, Gaza and Iraq are also at the centre of our concerns in that regard.

To these examples we must also add the fact that parties to current conflicts are making excessive use of force and using weapons prohibited by international law, causing indiscriminate harm to civilian populations and damaging goods that are essential for their survival, which are protected by international humanitarian law.

It is therefore essential that progress be made in the effective implementation of Security Council sanctions regimes, in particular arms embargoes. In a broader sense, meeting the international obligations set forth in the Palermo Protocol and the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects is essential.

My delegation reiterates the importance of having a balanced strategy that allows us to make progress in defending and protecting civilians in armed conflict. That should also include compliance with international humanitarian law and accountability in order to put an end to impunity as essential components in armed conflicts.

In that regard, we support the decision of the Secretary-General to undertake an impartial and independent investigation into the violations committed against the civilian population at the end of the armed conflict in Sri Lanka, including the appointment of a panel of inquiry. We call upon the authorities of the Government of Sri Lanka to cooperate and facilitate the work of the panel, which has as its sole objective the promotion of justice and national reconciliation in that country.

The Geneva Conventions of 1949, their Additional Protocols and other instruments of international humanitarian law and customary international law provide a solid foundation of principles and standards for protecting the life and dignity of all of those who are not participating in hostilities or who have ceased to do so. Strict compliance with international law should allow us to end the suffering of civilian populations affected by armed conflict and to provide guarantees that will make it possible to repair the damage done to victims, help them to rebuild their lives and restore their dignity as human beings.

We must also bear in mind that violations of international humanitarian law are war crimes and that Member States have the primary obligation for investigating and prosecuting those allegedly responsible for committing such acts. In that regard, as highlighted last week during the debate on the promotion and strengthening of the rule of law, the fight against impunity has been strengthened through the work of the International Criminal Court, the special and mixed tribunals and the specialized chambers of national tribunals. Nevertheless, it is important that States reaffirm their strong opposition to impunity and their responsibility to meet their obligations in order to put an end to it.

Our consideration of this issue today should contribute to overcoming political interests that hinder the full implementation of the obligations flowing from international law. It should also make it possible for us to respond quickly and decisively to any humanitarian crisis and to ensure accountability in the face of flagrant impunity. Let us not fall into an endless theoretical debate while reality on the ground overwhelms the Organization's capacity to act. On the contrary, let us make progress in consolidating a culture of respect for the principles and standards of international humanitarian law in order to eradicate impunity and repair the damage done to civilians in armed conflict.

Mr. Moungara Moussotsi (Gabon) (*spoke in French*): I would first like to thank your delegation, Madam President, for your initiative to convene this debate. I would also like to thank the Secretary-

General, Mr. John Holmes and Ms. Pillay for their dynamic leadership on the issue of the protection of civilians in armed conflict.

The topic that brings us together today lies at the very heart of the Organization's mission, namely, to promote peace, security, the well-being of civilian populations and respect for human rights. However, we must note that, despite the strengthening of the legal regime in the area of the protection of civilians, including resolution 1894 (2009), the number of civilian victims of violence in armed conflict remains, unfortunately, too high.

In approaching today's debate, we must keep in mind the suffering and deep distress experienced by millions of people, in particular women, children, the disabled and the elderly, whose lives are brutally plunged into horror on a daily basis. In the Democratic Republic of the Congo, the United Nations Mission has compiled figures proving the recruitment of 848 children in 2009. In Somalia, 110,000 people were displaced during the first quarter of 2010. Finally, in Afghanistan, over 2,150 communities are directly affected, with an average of 42 persons killed or injured by landmines and explosive devices every month.

Ensuring the protection of civilians in armed conflict remains a complex and multidimensional endeavour. It involves all aspects of the Security Council's work in the areas of maintaining international peace and security, humanitarian affairs, the rule of law and matters pertaining to international criminal law. I welcome the fact that today's debate is taking place directly after the Security Council examined consecutively, under Mexico's presidency, the issues of international criminal tribunals and of strengthening the rule of law in the maintenance of international peace and security.

My delegation would like to address two essential aspects related to our debate, namely, strengthening the mandates of peacekeeping operations and the responsibility of the perpetrators of violence.

Concerning the first point, my delegation remains convinced that the protection of civilians in armed conflict falls primarily to States themselves. The Council therefore cannot consider an effective response to this scourge without the full cooperation of the relevant State.

Gabon would like to commend the progress achieved in the past few years by the Council, in particular with regard to incorporating into the mandates of peacekeeping operations the urgent need to protect civilian victims of armed conflict. Recently adopted resolutions — including resolution 1933 (2010) on the United Nations Operation in Côte d'Ivoire, resolution 1925 (2010) on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and resolution 1919 (2010) on the United Nations Mission in the Sudan — illustrate this well. Indeed, the mandates of these peacekeeping operations are unique in that they adopt a comprehensive and integrated approach based on realities on the ground and are adapted to the crucial security needs of the populations concerned.

Such an approach enables us to better guarantee the security of displaced persons and refugees, to prevent sexual violence and to better protect children. The success of such an approach presupposes that peacekeeping operations have the necessary operational, technical, financial and human resources. Furthermore, it would be wise to improve the information exchange mechanisms between the various parties to, and stakeholders in, conflicts.

In that connection, my country welcomes the measures advocated by the Secretariat in the elaboration of the so-called New Horizon Initiative. In that regard, special focus should be placed on the need to strengthen cooperation between the United Nations and regional and subregional organizations.

In addition, the recommendations of the Special Committee on Peacekeeping Operations aimed at forging a genuine partnership to improve the planning, deployment and management of peacekeeping operations, inter alia in Africa, must remain at the very forefront of our concerns.

With respect to the second point, my delegation notes that the strengthening of peacekeeping operations will bear full fruit only if the Security Council continues to devote all the necessary attention to the issue of the criminal liability of the perpetrators of war crimes, crimes against humanity, crimes of genocide and all serious violence against civilian populations.

I am compelled to stress the need to pursue awareness-raising work on this issue with non-State armed groups, which too often undertake actions beyond the pale of the law and believe that they can

escape justice. This issue is closely related to our previous debate on the Security Council's action to end impunity. This allows us better to understand the link between the protection of civilians and the need for a strong State capable of upholding all the attributes of sovereignty. Our previous debates have also underscored the link between the need for justice and peacebuilding. This is the right place and time to recall the critical role played by national tribunals, ad hoc tribunals and the International Criminal Court in the fight against impunity.

In conclusion, I pay a personal tribute to United Nations personnel and all humanitarian organizations for their dedication to the worthy cause of the victims of armed conflict. Their activities in very difficult and dangerous circumstances have averted terrible humanitarian disasters and assisted those in distress. I hope it can be agreed that a more effective fight against violence against civilians in armed conflict requires vigorous and concerted global action to prevent conflicts.

Mr. Mugoya (Uganda): I thank you, Madam, for organizing this open debate. I thank the Secretary-General for his statement and Under-Secretary-General Holmes and High Commissioner Pillay for their briefings. We further thank Mr. Holmes for his dedicated service and wish him the very best in his future endeavours.

Uganda reiterates the importance it attaches to the protection of civilians in armed conflict. We are concerned that civilians still account for the vast majority of casualties during situations of armed conflict. The briefings we have listened to today indicate that there have been improvements in some areas of the protection of civilians agenda. However, there remains a lot of room for improvement. We welcome the Security Council's efforts to strengthen peacekeeping mandates in the area of protection of civilians, as evidenced in the recently renewed mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Mission in the Sudan in this regard.

In Somalia, the Al-Shabaab and Hizbul Islam groups, which are opposed to the peace process, have continued to carry out indiscriminate attacks on civilians and humanitarian workers. They use civilians as human shields in markets and similar environments. The African Union Mission in Somalia, consistent with its mandate, has supported the Transitional Federal Government, offered greater protection to civilians, and supported the peace process.

It is important to continue efforts towards more effective engagement with non-State actors and armed groups with regard to their obligations under international law. However, it is important for all concerned to take into account specific conditions on the ground, including risk assessments.

We are convinced that combating impunity and ensuring accountability for crimes and violations of human rights are fundamental prerequisites for the protection of civilians in armed conflict. When potential perpetrators know that they will be brought to account for their crimes, this serves as a deterrent. Uganda as a State party to the Rome Statute is committed to fighting impunity and ensuring justice for the victims.

At the recently concluded first Review Conference of the Parties to the Rome Statute of the International Criminal Court held in Kampala from 31 May to 11 June, States parties reiterated their determination to put an end to impunity for perpetrators of the most heinous crimes of international concern. It was significant that they emphasized that justice is a fundamental building block of sustainable peace. They also declared their commitment to continuing to strengthen efforts to promote victims' rights, including their participation in judicial proceedings and claims for reparations.

It is important for all parties to armed conflict to emphasize the dignity of civilians by acknowledging losses that result from lawful combat operations. In this regard, there is a need to make meaningful amends to affected individuals and communities, such as financial assistance and funding for humanitarian aid programmes. We encourage Member States to embrace the concept of making amends, not because there is any legal obligation to do so, but simply in the interest of mitigating suffering.

Uganda calls for a more comprehensive international legal framework for the promotion and strengthening of measures to prevent, mitigate and eliminate the root causes of internal displacement. The African Union made significant progress in this regard by adopting the Convention for the Protection and Assistance of Internally Displaced Persons in Africa at a summit held on 23 October 2009 in Kampala. The

international community should devote more time and resources to addressing the needs of refugees, returnees and internally displaced persons.

There is a need for greater recognition of the needs of persons with disabilities as a vulnerable group arising out of the indiscriminate use of landmines and explosive remnants of war. We call upon all subregional, regional and civil society organizations and Member States to support the victims and to undertake initiatives leading to the clearance of ordnance and the sensitization of civilian populations.

In conclusion, the primary responsibility of protection of civilians lies with national authorities, but regional organizations and, ultimately, the international community, have an important role to play. We believe that this debate will draw attention to some of the issues that require greater focus.

Mr. Takasu (Japan): I would like to express our gratitude to the Secretary-General, Under-Secretary-General John Holmes and High Commissioner for Human Rights Pillay for their statements. I pay special tribute to John Holmes for his service to the cause of humanity at the helm of the Office for the Coordination of Humanitarian Affairs for the past three and a half years.

The protection of civilians in conflict is a critically important item on the Council's agenda. Last year, the Security Council adopted resolution 1894 (2009) after a comprehensive review of this issue. The Secretariat also took measures to improve protection on the ground in response to criticism against the performance of some peacekeeping missions.

Yet, as the three briefings today testify, we still face many challenges, and further concerted action is essential. First of all, in consolidating the protection of civilians, standard-setting and the universalization of norms are important, of course, but strict compliance with all international humanitarian, human rights and refugee law is equally important, and enforcement is at the heart of any such action. This means that the Government authorities of a country in which a conflict occurs should act in accordance with international norms and humanitarian law, and respect the provisions of resolutions adopted by the Security Council on this subject.

We simply cannot allow Government troops or police forces to disregard the protection of civilians or even to become a threat to civilians. To that end, the rule of law should be established through security sector reform, and judicial reform should bring an end to impunity. A policy of zero tolerance has very little value unless it is enforced throughout the security establishment without regard to rank or position.

Another serious challenge is how to address violence against civilians and hindrances to humanitarian work committed by non-State armed groups. Calling for non-State armed groups to comply with humanitarian law, as we customarily do in Security Council resolutions, is clearly inadequate.

Effective ways should be found to cope with the tactics of non-State armed groups, such as the Lord's Resistance Army. Peacekeeping missions may be able to provide logistical support, upon request, for Government forces fighting non-State armed groups, but such support should be provided only when clear and strict conditions are met so that it will not lead to violence against civilians.

The most effective step we can take is to promote the political process among the parties concerned through engaging non-State groups so as to achieve ceasefires and eventually peace agreements. If a political solution cannot be achieved, appropriate measures should be taken to keep the violence committed by non-State armed groups to a minimum. One way is targeted sanctions against those violators of humanitarian law. That method should be considered more strategically. Sanction regimes could also be utilized to prevent weapons from flowing in from outside the country. Controls over small arms should be strengthened at the regional level.

But, obviously, military or coercive measures alone cannot resolve conflicts. We should address root causes such as protection of minorities and access to natural resources, food and water. Comprehensive but also country-specific strategies should be developed to promote civilian protection and should involve all actors, including regional organizations.

Half of the peacekeeping operations now in the field have protection of civilians as a main mandate from the Security Council. Despite some improvement in the last 18 months, there remains a noticeable gap between mandate and expectation, on the one hand, and implementation and action on the ground, on the other hand. I would like to stress three steps that

should be taken so that peacekeeping missions can implement the mandate more effectively.

First, in country-specific protection strategies that are designed to translate the Council's mandate into concrete actions, the mandate to protect civilians should be reflected in more specific terms by identifying targets and means of protecting local populations, humanitarian workers, refugees and internally displaced persons. Also, the strategies and means of achieving the objective should be shared with the Council so that there is a common understanding as to how the mandate is to be implemented. There should therefore be no gap between expectation and implementation.

Secondly, it is essential to ensure that there are adequate resources and capacity for effective implementation. To that end, information on resource implications should be provided to the Council at the launch of a new mission or a revised mission. Two key issues in the protection of civilians are, first, the mobility and training of units and, secondly, intelligence capacity, since troops often have to operate in vast and geographically diverse areas.

In particular, I would like to stress the shortage of utility helicopters, which has been emphasized so many times by the Secretary-General and his senior colleagues in the Secretariat. But a solution that meets that challenge has not yet been found. I have personally tried to address the issue through the Working Group on Peacekeeping Operations, which is a subsidiary organ of the Security Council and thus supports the Council's work, in connection with its consideration of the capacity gap in mandate implementation. However, regrettably, there is no consensus on what to do with this issue in the Working Group.

I believe that addressing this issue is the single most specific and concrete step the Council can take to contribute to protection of civilians. I appeal therefore to members of the Council to demonstrate strong leadership by cooperating with the General Assembly on this issue. Indeed, because responsibility is overlapping, it is difficult to find a solution. In order to address and find a solution on this chronic and very critical issue as soon as possible, it would helpful if the Secretary-General could submit a proposal to serve as a basis for the work of the Security Council and the General Assembly on this matter.

The third point is that strategies and guidance on the implementation of protection of civilians should be shared at different levels: the policy level, the operational level and the tactical level.

The operational guideline, which has been developed by the Department of Peacekeeping Operations, is useful as common guidance across missions. Any change in mandates decided by the Council should be kept updated on a mission-by-mission basis so that the concept of operations can be immediately adjusted by the troops on the ground.

I would like to emphasize the importance of close consultation in this connection among the Security Council, the troop-contributing countries, police-contributing countries and the Secretariat. It is also important to share best practices among the missions. For example, what happened at the United Nations Organization Mission in the Democratic Republic of the Congo with the establishment of the joint protection team and a temporary base and the strengthening of communication with local populations are all useful and could usefully be followed by the United Nations Mission in the Sudan.

I am pleased with the recent progress regarding women and children in conflict, the appointment of Ms. Wallström as the Special Representative of Secretary-General on Sexual Violence in Conflict, and the adoption of the presidential statement last month to strengthen measures against persistent perpetrators of violence against children (S/PRST/2010/10).

In closing, I would like to reiterate how relevant the human security approach can be as the basic rationale for efforts to protect and empower those civilians who are most vulnerable. This multisectoral and human-centred approach focuses on both protection and empowerment at the individual and community levels. It is for this reason that Japan has been providing support, including through the United Nations Trust Fund for Human Security. Japan is committed to extend every possible support to protection and empowerment of civilians.

Mr. Araud (France) (*spoke in French*): I wish to thank the Secretary-General and the High Commissioner for Human Rights for their briefings.

I associate myself with the statement to be made by the representative of the European Union.

Of course I want to pay tribute to Sir John Holmes, whose last statement to the Council in his capacity as Under-Secretary General for Humanitarian Affairs we have heard today. Thanks to his work, the Council today better understands the situation on the ground.

I will devote my statement to two points — peacekeeping operations and the respect for international humanitarian law.

First, with regard to peacekeeping operations, it behooves us to continue our efforts to strengthen the strategic control of these operations. We would like the informal group of experts, with the Security Council Working Group on Peacekeeping Operations, to provide a follow-up on the protection of civilians. The success of the United Nations will be measured by the significant contribution that our actions bring to the protection of civilians. Our credibility is at stake here.

That having been said, the responsibility for the protection of civilians primarily falls to national authorities. A peacekeeping operation can make up for a State's weaknesses or temporarily support its actions, but that does not in any way diminish the responsibility of host States, first of all with regard to the protection of individuals and their rights.

The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and United Nations Mission in the Central African Republic and Chad (MINURCAT) illustrate the challenges confronting us.

In the Democratic Republic of the Congo, the protection of civilians remains the priority of the Blue Helmets' mandate. The situation remains volatile, especially in the eastern part of the country. It is out of the question to consider having MONUSCO leave as long as the Congolese security forces are not in a position to take over in good conditions. The training of the army and police should lead to redeployment of the forces of order in liberated areas without any security vacuum, and to the lasting restoration of the authority of the Congolese State, including in the judicial field, throughout the territory.

In Chad, we are wedded to the preserving the continuity of the protection of civilians. That is why we have ensured that the transfer of the protection mission of MINURCAT to the Chadian authorities will be as gradual and coordinated as possible.

Beyond MINURCAT and MONUSCO, civilians remain a concern of the Council. In Darfur, attacks against civilians do not come about by chance; they are organized and have been deemed crimes against humanity by the International Criminal Court. In the climate of impunity that prevails in Darfur, the African Union-United Nations Hybrid Operation in Darfur faces repeated attacks, which prevent it from protecting civilians in a satisfactory way. The Security Council will have to look at ways to respond to the situation.

Peacekeeping operations are critical, but so also, as I have said, is respect for international humanitarian law.

All the parties to a conflict, States as well as armed non-State groups, must respect international humanitarian law. They must spare civilians in the conduct of hostilities and grant special attention to women and children. Our primary responsibility is to ensure that they do not shirk that obligation.

Indiscriminate attacks against civilians and attacks against humanitarian actors have become increasingly commonplace. Humanitarian space is no longer a sanctuary. The obstacles to access to humanitarian aid in Sudan, for example, are of a criminal nature. The blockade of the Gaza Strip must be lifted. The recent decision of the Israeli Government constitutes a first step, but nothing more that a first step, on the path which must lead to the lifting of the embargo.

We would like to see the Security Council better and more regularly informed on the scale of restrictions to humanitarian access, on a country-by-country basis. The informal group of experts on the protection of civilians must address those issues as well as the other threats facing civilians in situations we are tracking. For our part we are determined to act against those who deliberately seek to deprive civilians of humanitarian assistance, including by adopting sanctions, as the relevant sanctions committee has already done in the case of Somalia.

Violations of international humanitarian law must not remain unpunished, which means that impartial and independent investigations are required. In principle, they should be conducted by national authorities and lead to trials of those responsible. In cases where the authorities are incapable of conducting such investigations alone, or do not wish to, the United Nations must act, as a support or in their place.

In that regard, we welcome the cooperation of the Guinean authorities with the International Commission of Inquiry set up by the Secretary-General following the massacre of 28 September 2009, as well as with the International Criminal Court in the context of its preliminary inquiry. We welcome the appointment of the members of the panel of experts established on 22 June to advise the Secretary-General regarding responsibilities relative to allegations of violations of human rights and international humanitarian law during the final stages of the conflict in Sri Lanka. We urge the Government of Sri Lanka to cooperate with them and thus to fulfil the commitment it has undertaken to fight against impunity. There will be no lasting peace without justice. France has also called for the establishment of a board of inquiry on the events in Kyrgyzstan.

Beyond the crises which may draw the attention of international public opinion, States must resolutely commit themselves to the fight against impunity. We call upon all States, especially the Sudan, to ratify the Statue of Rome and to cooperate with the International Criminal Court in conformity with Council resolution 1593 (2005).

Ms. Čolaković (Bosnia and Herzegovina): We would like to thank you, Madam President, for having organized this debate. We also express our appreciation to the Secretary-General for his comprehensive report and our thanks to Under-Secretary-General Holmes and to High Commissioner Pillay for their comprehensive briefings today. We also wish to thank the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs for the study on implementation of protection mandates in peacekeeping operations.

In four days, on 11 July 2010, we will solemnly commemorate the fifteenth anniversary of the genocide committed in July 1995 in the United Nations safe area of Srebrenica, which was established pursuant to Security Council resolution 819 (1993). In that resolution the Council demanded that "all parties and others ... treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act". However, the Bosnian Serb forces attacked Srebrenica, and the United Nations failed to deter their attack.

The International Court of Justice, in its Judgement of February 26 2007, ruled that

> "the Bosnian Serbs devised and implemented a plan to execute as many as possible of the military aged Bosnian Muslim men present in the enclave" *(para. 292)*

and that the acts committed at Srebrenica

> "were committed with the specific intent to destroy in part the group of the Muslims of Bosnia and Herzegovina as such; and accordingly that these were acts of genocide, committed by members of the VRS [Army of Republika Srpska] in and around Srebrenica from about 13 July 1995" *(para. 297)*.

The Srebrenica genocide has become a symbol of the international community's impotence to intervene and protect the civilian population.

The United Nations, by its own admission, bears part of the responsibility for the crimes committed at Srebrenica. The Secretary-General's 1999 report on Srebrenica unequivocally states:

> "Through error, misjudgment and an inability to recognize the scope of the evil confronting us, we failed to do our part to help save the people of Srebrenica from the Serb campaign of mass murder. ... Srebrenica crystallized a truth understood only too late by the United Nations and the world at large: that Bosnia was as much a moral cause as a military conflict. The tragedy of Srebrenica will haunt our history forever." (A/54/549, para. 503)

It is therefore only appropriate to begin this statement by paying sincere and heartfelt tribute to the more than 8,000 boys and men killed in what has been declared the worst atrocity committed in Europe since the Second World War. Our heart goes to their families along with sincere hope that all of them will find the remains of their loved ones and that all those responsible for the genocide in Srebrenica will be brought to justice.

The issue of protection of civilians in armed conflict is one to which Bosnia and Herzegovina attaches great importance. We express our commitment to work jointly with others to implement the study recommendations, in consultations with all relevant actors.

Last year we marked 10 years of the Security Council's activities regarding the protection of

civilians in armed conflict, and we can freely say that much has been achieved. Nevertheless, unfortunately, civilians are still and too often targets of armed attacks and atrocities as well as victims of human rights abuses, in particular rape and sexual violence. Hence we are of the view that even stronger efforts should be made in the future to ensure more effective protection of civilians in armed conflict.

To that end, Bosnia and Herzegovina urges Member States to work on full implementation of resolutions 1325 (2000), 1674 (2006), 1820 (2008), 1882 (2009), 1888 (2009), 1889 (2009) and 1894 (2009), which give peacekeeping missions and all other relevant actors the mandate to take effective measures to protect civilians in armed conflict. We also request all parties to armed conflicts to fully comply with their obligations under international humanitarian law concerning the protection of civilians in armed conflict.

In that context, Bosnia and Herzegovina underlines the need to combat impunity for perpetrators of violence against civilians. The Security Council should take every opportunity to send a message that crimes committed against civilians are unacceptable and that all perpetrators of grave violations of human rights and international humanitarian law will be brought to justice.

Bosnia and Herzegovina is deeply concerned about the issue of unsafe and too-often impeded humanitarian access to populations affected by conflict. As a result of this phenomenon, millions of vulnerable people, particularly internally displaced persons and refugees, are deprived of assistance and protection. We are also troubled by attacks against humanitarian workers, which must be strongly condemned. We call for strengthened action in this area and point out the importance of broadening understanding and acceptance of independent, neutral and impartial humanitarian actions.

We point out that peacekeeping operations continue to make significant contributions to the safety and security of civilians. The Security Council expert group on the protection of civilians and aide-memoire on the protection of civilians (see S/PRST/2009/1, annex) have further contributed to systematic and consistent attention to the issue in their mandates. However, the challenge remains of determining how, on the one hand, to maximize the impact by addressing gaps between mandates, interpretations and implementation capacity, and, on the other, how to improve the tools which already exist.

Bosnia and Herzegovina would like to take this opportunity to urge the Secretariat to work towards developing a strategic framework and to recognize the importance of improving planning processes and developing training modules by using a best practices guide of measures taken by current peacekeeping operations to protect civilians. We also stress the need to launch a website of the Policy, Evaluation and Training Division of the Department of Peacekeeping Operations in order to enhance global peacekeeping capacity by providing the peacekeeping community with timely access to relevant training standards, materials and tools, as well as relevant guidance documents. In addition, increasing the number of female peacekeepers and trained civilian personnel will largely contribute to adapting strategies and concrete methods to properly address sexual and gender-based violence.

Before concluding, and in regard to current United Nations peacekeeping missions, I would like to reiterate Bosnia and Herzegovina's grave concern about the consequences which the premature withdrawal of the United Nations Mission in the Central African Republic and Chad could have on the protection and security of civilians, access to humanitarian assistance for refugees and internally displaced persons, and security sector reform efforts. For that reason, we would like to see the United Nations presence remain in Chad until clear signs of stable humanitarian and security situations on the ground are reported and the transfer of responsibility for the protection of civilians to the Chadian authorities has been carried out effectively. Assessment of the progress in implementing standards with regard to the protection of civilians would be useful in the evaluation of further engagement of the United Nations in Chad.

In conclusion, on the basis of our tragic experience, I would like to underline that Bosnia and Herzegovina attaches the utmost importance to the protection of civilians in armed conflict. We consider that the Security Council, Member States and the United Nations must do everything to ensure full respect for the principles of international humanitarian law, human rights law and refugee law, as well as other relevant principles related to the protection of civilians

in armed conflict. The mistakes made in Bosnia and Herzegovina and Rwanda should serve as constant reminders that we must give top priority to the protection of civilians and do our utmost to never allow a repeat of Srebrenica.

Mr. Çorman (Turkey): I thank the Secretary-General for his comprehensive statement. I also thank Under-Secretary-General Holmes and High Commissioner Pillay for their extensive briefings.

The majority of casualties in armed conflicts continue to be civilians. We strongly condemn all deliberate attacks on civilians and the deaths resulting from the indiscriminate and excessive use of force. As the Secretary-General outlined in his statement, we are still witnessing challenges in different parts of the world in this field. However, the recent debates in the Council on the protection of civilians have been held under the shadow of the tragic developments in Gaza. Today's debate is no exception. Needless to say, recent incidents there have reminded us all once again of the importance of full compliance with international law and the principle of proportionality, and of ensuring safe humanitarian access to civilian populations, particularly to vulnerable groups such as women, children and disabled persons.

The protection of civilians — all civilians — is a moral imperative. International law has developed a plethora of rules to protect civilians and, as the High Commissioner for Human Rights also indicated, all parties to armed conflict must be held accountable to those rules. Still, even when parties fully comply with applicable law, many civilians become victims nonetheless. Turkey calls on parties to armed conflict to make amends to the civilians they harm in the same spirit and in view of their inherent human dignity. In this context, we would like once again to bring to the Council's attention our expectations regarding the investigation on the humanitarian convoy destined for Gaza.

The primary obligation for protecting civilians lies with States. The international community also has a responsibility to help protect civilians in situations where States fail to do so. We must address the actual problems on the ground, including in our decisions on peacekeeping mandates.

Turkey considers the adoption of resolution 1894 (2009) last November to be a turning point. We welcome the increased attention paid by the Council to protection issues. We recognize the importance of the Security Council's resolutions on women, peace and security, as well as on children and armed conflict, to further promote the protection agenda. We welcome the recently adopted resolutions on these areas. As we have long stressed, a stronger interaction among the Council, troop and police contributors, special representatives of the Secretary-General and missions contributes to greater coherence.

The protection of civilians during peacekeeping operations is another challenge. The commemoration of the Srebrenica tragedy this week should be a reminder to all of us.

We note the fruitful discussions on the protection agenda. We fully support them. However, we have three general observations.

First, there is the inclination to stress the importance of dialogue with non-State armed groups. While understanding its rationale, we believe that this new trend requires further careful elaboration of both its political and its legal aspects.

Secondly, calling counter-terrorist efforts armed conflict cannot be accepted. We strongly condemn acts of terrorism and the use of civilians as human shields, and acknowledge the legitimate right of Governments to combat terrorism.

Thirdly, the concepts of the protection of civilians and the responsibility to protect should not be mixed up with each other. In our view, they are two different concepts that must not be confused.

We should strengthen the rule of law, human rights, democracy and good governance for the long-term, lasting protection of civilians. We should ensure that the perpetrators of violence against civilians are held fully accountable for their actions. They should know that they will eventually face justice.

I would like to conclude by thanking Under-Secretary-General John Holmes for his excellent and tireless work for the United Nations humanitarian cause, and I wish him all the best in his future endeavours.

Mrs. Viotti (Brazil): I would like to thank the Secretary-General for his comprehensive statement. I also thank Under-Secretary-General Holmes and High Commissioner Navi Pillay for their briefings this morning.

Brazil would like to join you, Madam President, and previous speakers in paying special tribute to Sir John Holmes. We have greatly appreciated his work. During his tenure, we went through numerous humanitarian crises and his leadership and dedication made the response of the international community more effective and the suffering of those affected less unbearable. We wish him every success in his future endeavours.

Brazil attaches great importance to the protection of civilians in all its aspects. We have sought to actively contribute to the many dimensions of the issue, including the questions of humanitarian access, improving compliance with humanitarian, refugee and human rights law, strengthening the International Criminal Court, and promoting the well-being of internally displaced persons, among others. Today, I wish to focus on the protection of civilians in peacekeeping operations.

This year's report of the Special Committee on Peacekeeping Operations (A/64/19) demonstrated the growing consensus on the importance of the protection of civilians by peacekeepers. It encouraged the Secretariat to continue its conceptual and operational work in that area, including through the preparation of training modules. We deem it very important that the Department of Peacekeeping Operations continue to closely engage with troop- and police-contributing countries throughout that process.

The Special Committee also requested the Secretariat to prepare strategic frameworks for mission-wide protection strategies. Such strategies are particularly important inasmuch as they reinforce the fact that the protection of civilians is a multidimensional task. They should clarify the relevant protection roles of all mission components, including police, human rights, civil affairs and public information.

The Council has been very clear with regard to the priority that it attaches to the task of protecting civilians. Nevertheless, we must ask ourselves if that priority is adequately reflected in the means and resources that are given to those responsible for making protection a reality on the ground.

On the military side, we must continue to consider issues such as training, guidance, oversight mechanisms, intelligence, the dissemination of information on international humanitarian law, and the use of non-lethal armaments and techniques. We must also ensure, however, that the civilian aspects of a mission receive equal attention, including in terms of adequate staffing and guidance materials. The Secretariat and the General Assembly must work together to ensure that the civilian components of missions are properly backstopped at Headquarters.

Civilian components play a central role in the preventive dimension of the protection efforts of peacekeeping missions. Missions must work together with other actors, particularly those in the areas of development and human rights, to create a protective environment. In addition, establishing a positive, two-way dialogue with the local population is an important factor in ensuring the sustainability of post-conflict peace and stability.

The debate on the protection of civilians by peacekeeping operations should not be read as a false opposition between protection and other mandated tasks. When confronted with gross violations of human rights, peacekeepers face a moral obligation to act. Moreover, standing by while such abuses are committed can imperil the mission's credibility in the eyes of other actors and compromise its ability to fulfil other mandated tasks. On the other hand, a mission that protects civilians under imminent threat but makes no progress in helping address the underlying causes of the conflict or in peacebuilding tasks will not lead to a sustainable peace. Helping States onto the path of peace, stability and development is, ultimately, the best way for the United Nations to contribute to the long-term protection of civilians.

The protection of civilians by peacekeeping missions is one dimension of a multifaceted issue. Many others deserve careful attention from the relevant bodies. Among those, I would cite how to ensure compensation for damages to civilian victims of conflicts even when they derive from actions committed in accordance with international law; how to preserve cultural, collective and community rights in situations of armed conflict; and how to strengthen local mechanisms of justice, monitoring and prevention.

My delegation is ready to work with other Member States and the United Nations system in order to address those and other central questions in our collective strategy to ensure the adequate protection of civilians in armed conflict.

Mr. Wang Min (China) (*spoke in Chinese*): I wish to thank Nigeria for taking the initiative to convene this open debate. I would also like to thank Secretary-General Ban Ki-moon, Under-Secretary-General Holmes and High Commissioner Pillay for their statements.

During his term of office, Sir John Holmes has made an outstanding contribution to the work of the United Nations in the area of humanitarian assistance. I would like to take this opportunity to express our appreciation and to wish him all the best in his future endeavours.

In recent years, the Security Council has attached great importance to the protection of civilians and made vigorous efforts to that end. However, owing to the changing nature of armed conflicts and various complex factors, civilians in many regions of the world still find themselves under threat in situations of armed conflict. The international community faces an uphill battle in ensuring the protection of civilians. We are deeply concerned that, in some armed conflicts, civilians are subject to threats and violence, and we urge the parties to such conflicts to abide by international humanitarian law and the relevant Security Council resolutions and to protect the lives and property of civilians and their legitimate rights and interests.

China urges the Security Council to make further efforts to strengthen the protection of civilians in armed conflict. In that regard, I wish to underscore the following points.

First, we must start from the source and address the issue holistically. As the organ entrusted with the primary responsibility for maintaining international peace and security, the Security Council is duty-bound to address the issue of protecting civilians in armed conflict. The Council should focus on the root causes of the problem, invest more energy in the prevention and monitoring of conflicts, and, at the same time, place the protection of civilians in the overall context of the political process for the peaceful settlement of disputes.

Secondly, we must stress the responsibility of the States concerned and respect their wishes. National Governments have the primary responsibility for protecting civilians. While the international community can provide constructive help, it must do so in compliance with the provisions of the Charter of the United Nations and while respecting the sovereignty of the countries concerned and refraining from intervening by force. Dialogue between the United Nations and non-State armed groups should be carried out within the framework of cooperation between the United Nations and the countries concerned, with the consent of the Governments concerned. With regard to combating impunity, we are in favour of letting the domestic judicial systems of the countries concerned play the role of principal channel.

Thirdly, progress must be made step by step and we must concentrate on implementation. In connection with the protection of civilians, we already have in place a comparatively set of international legal rules. The key now is to ensure the comprehensive, equitable and effective implementation of those rules. The relevant United Nations organs and international treaty bodies should continue to play an important role to that end. The Security Council has already adopted a significant number of resolutions and presidential statements on the protection of civilians in armed conflict. Our task in the next phase should be to push for the effective implementation of those documents.

Fourthly, we must proceed from the actual situation and adapt to local specificities. Giving a United Nations peacekeeping mission a mandate to protect civilians is a decision to be made by the Council on a case-by-case basis. In our view, in designing the mandate for civilian protection, it is necessary that we base our work on actual needs and take into full consideration the situation on the ground and the resources and capacities of the peacekeeping mission concerned. It is imperative not to resort to generalizations. We are not in favour of invariably endowing all peacekeeping operations with mandates to protect civilians in disregard of practical conditions. Adhering to the three principles of the consent of the country concerned, impartiality and the non-use of force except in self-defence is the key to the success of peacekeeping operations. Any deviation from those basic principles will cause more conflicts and problems, even to the point of jeopardizing the success of the peacekeeping operation concerned, rather than help to protect civilians.

Most ongoing conflicts are taking place in areas with backward economic and social conditions. The United Nations should actively mobilize international resources to provide financial and technical assistance to the countries concerned so as to help them to

develop their economies and eradicate poverty, thereby eliminating the source of conflict. We look forward to a greater role in that regard to be played by the General Assembly, the Economic and Social Council, the United Nations Development Programme, international institutions such as the World Bank, and regional organizations.

The President: I shall now make a statement in my capacity as the representative of Nigeria.

We are very grateful to Secretary-General Ban Ki-moon for his very insightful statement. I also commend Under-Secretary-General for Humanitarian Affairs John Holmes and High Commissioner for Human Rights Pillay for their very enriching briefings. We are grateful that, together, they have kept this subject at the forefront of our concerted efforts to bring peace and stability to the world.

Resolution 1894 (2009) laid out important principles related to adherence to international humanitarian, human rights and refugee law and to best practices for implementing civilian protection mandates. In their 2009 joint study on the protection of civilians in peacekeeping operations, the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations highlighted that the lack of clarity in the language of civilian protection mandates could affect the effectiveness of resources and training to meet civilian protection needs. It is imperative that this be addressed.

It is also important that we monitor very closely mandate implementation in the field. That is where the Secretary-General's reporting capability and the work of the Council's informal expert group on the protection of civilians can add the most value by reporting on the challenges in implementing the protection mandate alongside other mission objectives.

To address the gap in the link between the Security Council and activities in the field, it is essential that the Council always be fully briefed in advance of peacekeeping deliberations. We hope that the Secretariat will draw from lessons learned in the meetings with troop- and police-contributing countries in order to add to the quality of the briefings.

We should not forget that civilians may also be caught in the crossfire in circumstances where there is no peacekeeping force in place. In such situations, the Council must act swiftly and with purpose. The updated aide-memoire (see S/PRST/2009/1, annex) is an invaluable tool that sets out pathways for analyzing each situation and deploying the appropriate tools at the Council's disposal. For that, we are grateful and indebted to OCHA.

Nigeria reiterates the call on all parties to conflict to respect the laws of armed conflict. Those parties should manifest such respect by creating neutral zones or corridors for the unimpeded delivery of humanitarian assistance, so that civilians may be safely evacuated or provided with assistance without threats to their well-being.

In just over three weeks, the Convention on Cluster Munitions will enter into force. That is an important instrument in terms of marking consensus against the use and stockpiling of munitions that cause unacceptable harm to civilians. It also stigmatizes those actors who do not adhere to its standards. It marks a further step on the road to minimizing so-called collateral damage in armed conflict. It is hoped that it will also enhance capacity to better serve those whom we have a responsibility to protect. By so doing, we might establish conditions for a just and peaceful world in which all can live in larger freedom.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Uruguay.

Mr. Cancela (Uruguay) (*spoke in Spanish*): At the outset, allow me to congratulate Sir John Holmes, Under-Secretary-General for Humanitarian Affairs, on his commendable efforts as the head of the Office for the Coordination of Humanitarian Affairs (OCHA). His leadership and commitment have been crucial in facing a period in which, despite scientific, moral and ethical progress, innocent civilian populations in various parts of the world continue to suffer from harsh ongoing attacks, both as collateral damage and as a result of being the direct targets of aggression.

In addition to being an ethical imperative that is part of a long process of the development of human conscience towards civil behaviour that places respect for human life, integrity and human dignity at the centre of its concerns, the protection of civilians is also a legal imperative rooted in universally accepted norms of international humanitarian law. In that connection, with respect to civilian protection provided by the United Nations in the context of peacekeeping

operations, we should also bear in mind the consent of host countries and the existence of a Security Council resolution mandating that task.

Any humanitarian response must be sustainable and take the development perspective into account. It is therefore essential to ensure appropriate national capacity-building, in particular in those cases in which constraints arise as a result of the physical environment. We regret that, in other cases, constraints arise as the result of Government policies or of practices on the part of local actors that interfere with humanitarian operations. The Secretary-General's reports thus continue to call for the facilitation of timely and rapid access, given the many obstacles that still exist, even when obligations exist under international humanitarian law.

Uruguay would like to reiterate the urgent need for all stakeholders in all situations to preserve, strengthen and respect the norms of international humanitarian law in order to ensure full respect for the principles of humanity, neutrality, impartiality and independence, and the pressing need to facilitate access for humanitarian personnel and ensure appropriate security conditions for the successful completion of their tasks.

In this respect, it is important to consider the possibility of opening dialogues with non-State armed groups. Such dialogue should in no case imply a legitimization of those groups; rather, it should be aimed at achieving understanding and respect on their part for the norms of international humanitarian law.

Among those groups that find themselves in vulnerable situations, women and children continue to require special protection. Despite the significant achievements in this area, much remains to be done to ensure their proper protection. Recognizing the victims' suffering and the importance of bearing in mind the needs of the civilian population affected by armed conflict should also receive greater attention from the international agenda.

We reiterate the need to pay greater attention to the reintegration of victims who have had their rights seriously violated, in particular in cases of sexual abuse or exploitation. It is, in our view, essential that we continue to fight against the impunity of those responsible for violations that are in clear contravention of international norms in these areas.

We experience the complexity of protecting civilians through peacekeeping operations on a daily basis through our military and police personnel deployed on the ground. In addition to material shortcomings is the issue of political sensitivities. On the one hand, we must avoid the premature withdrawal of missions when true security has not yet been established; on the other, this must go hand in hand with the principle of consent by the host country, which has the primary responsibility of providing this protection. This is a crucial aspect that underpins the legitimacy of the peacekeeping system and sets it apart from other alternatives.

We therefore believe it essential that the various stakeholders — the host State, the Council, the Secretariat and the troop-contributing countries — all work hand in hand in drafting realistic indicators that are focused on the well-being of the population. Once these indicators have been agreed upon, they must be complied with. Should they not be complied with and should the mission be withdrawn, the credibility of our Organization will be significantly damaged.

Despite the difficulties I have just listed, we underscore the tangible progress that has been achieved at Headquarters and on the ground over the past year in the protection of civilians in the context of peacekeeping operations. The necessary rapprochement between the Security Council and the General Assembly in the area of peacekeeping in general and the protection of civilians in particular is under way. This lends greater legitimacy to such activities and encourages less resistance to them, and gives rise to a greater commitment among all stakeholders involved in their implementation.

The Special Committee on Peacekeeping Operations has deepened and broadened its commitment to civilian protection through a serious and comprehensive consideration of the matter, including the issue of training and the essential need for a true correlation between mandates and resources. In this respect, it is essential that concrete efforts be undertaken to close the material capacity gap.

Furthermore, the Secretariat has received from the Committee a mandate to draft a strategic framework and from the Council a mandate to draft guidelines. We note that this is more than a merely semantic difference. However, it invites us to focus on those matters on which we can reach common

agreement. In coming months, we will have in our hands many documents of great importance, which should be openly discussed. We will be working as closely as possible so that when we speak of protecting civilians, all of those involved will be speaking of the same thing.

The President: I give the floor to the representative of Germany.

Mr. Wittig (Germany): Germany fully aligns itself with the statement of the European Union. Let me at the outset thank Under-Secretary-General John Holmes for his statement and for his work at the Office for the Coordination of Humanitarian Affairs (OCHA), and wish him all the best for the future. Let me also extend a very warm welcome to Ms. Pillay. The voice of the United Nations High Commissioner for Human Rights is particularly relevant in this debate.

We are pleased that the past few months have seen relevant progress on protection issues in the United Nations. Like many other speakers, we consider the adoption of resolution 1894 (2009) last November to be a landmark decision, requesting the Secretary-General to develop an operational concept for the protection of civilians in United Nations peacekeeping operations. We are looking forward to the report of the Secretary-General in November this year.

The independent study by the Department of Peacekeeping Operations and OCHA published in January has also provided a valuable analysis of the successes, setbacks and remaining challenges concerning the protection of civilians in peacekeeping operations. It also makes a number of concrete proposals to remedy existing shortcomings.

We also welcome the recommendations that the Special Committee on Peacekeeping Operations has provided with this year's report (A/64/19). Clear and achievable mandates for peacekeeping operations remain key, providing the missions with the needed resources and with the strategic framework to guide senior mission leadership in elaborating a comprehensive protection strategy.

We recognize the important work the Security Council has done to enhance the protection agenda on such issues as women, peace and security and children and armed conflict. Only last month, the Security Council adopted a presidential statement on children and armed conflict (S/PRST/2010/10), which called for an increased exchange of information between the Security Council Working Group on children and armed conflict and relevant sanction committees of the Security Council. The Security Council also expressed its willingness to adopt targeted measures against persistent perpetrators. We believe that this is a step in the right direction.

Despite the positive developments I mentioned, challenges remain. In our intervention on the protection of civilians last November (see S/PV.6216), we highlighted a number of challenges related to United Nations peacekeeping operations. We argued for enhanced mandating, better doctrine and preparation, improved planning and preparedness, and a comprehensive approach throughout peacekeeping missions.

All these issues remain valid today. They should, however, not obstruct our view of the specific requirements of the protection of civilians at the mission level. Special representatives and force commanders are responsible for implementing the protection agenda in the field. The international community, humanitarian actors and, above all, affected populations have legitimate expectations that protection mandates will be implemented on the ground. It is important that missions make use of all their military, civilian and, above all, political resources to fulfil this important task, in accordance with respective Security Council mandates. In this, they require and deserve the full support of the Security Council and the international community as a whole. The issue of the implementation of protection of civilians measures at the mission level was thoroughly discussed in the debate about the extension of the United Nations Organization Mission in the Democratic Republic of the Congo/Organization Stabilization Mission in the Democratic Republic of the Congo, and should be addressed by the Security Council when deciding about the renewal of the mandate of the African Union-United Nations Hybrid Operation in Darfur in a few weeks' time.

To conclude, let me briefly stress the corrosive effect impunity has on respect for international law. Ensuring compliance and accountability is key to enhancing respect for applicable international law. States must not fail in their responsibility to thoroughly investigate and prosecute persons suspected of war crimes, crimes against humanity or other serious violations of international humanitarian law.

The protection of civilians is an important cross-cutting issue which is of particular relevance to my country, given the contributions Germany makes to United Nations peacekeeping operations. We will actively participate in future debates on this issue.

The President: I now give the floor to the representative of Italy.

Mr. Ragaglini (Italy): Madam President, I wish to thank you for convening this debate. I also would like to express my deep appreciation to Under-Secretary-General John Holmes for his briefing, which gives us an overarching picture of the challenges we face in the protection of civilians in armed conflict. I seize this opportunity to commend his tireless commitment in defending the lives of civilian victims of conflicts worldwide and wish him all the best in his future endeavours. I also wish to thank High Commissioner for Human Rights Pillay for her contributions.

Italy fully associates itself with the statement which will be delivered by the head of the European Union delegation on behalf of the European Union, and we also wish to make some further remarks.

I will start by focusing on some of the main concerns in the field of the protection of civilians.

A number of persistent violators of human rights and humanitarian law still go unpunished. Accountability is therefore a central issue. The Council must be ready to take action against those who continuously undermine the credibility of its commitment. The International Criminal Court (ICC) has an important role to play as well. In this respect, Italy welcomes the outcome of the recent Review Conference in Kampala that further strengthened the ICC's role.

We also share the concern about the lack of progress in finding durable solutions to the situation of internally displaced persons. A more comprehensive approach is needed that looks at both the most urgent and the long-term problems, such as land and property issues, which are key in addressing the causes of conflict.

As far as positive developments are concerned, the appointment of a Special Representative of the Secretary-General on Sexual Violence in Armed Conflict was certainly a crucial step in addressing what is one of the most serious threats to the protection of civilians. We strongly support the mandate of Ms. Wallström, and we look forward to assisting her in this challenging task.

We also welcome the recent briefing of the Special Representative of the Secretary-General for Children and Armed Conflict to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo. The protection of civilians, particularly those belonging to the most vulnerable categories, must be an integral part of the work of the Committee. We hope that such briefings will gradually become a standard practice.

Moreover, let me express our strong support for the work undertaken by the informal expert group on the protection of civilians. As a former member of the Security Council, Italy has always advocated the creation of such a forum. The group is indeed an important platform for discussing and monitoring humanitarian developments and for devising effective strategies, with the contribution of all relevant actors. I would like to stress here that prevention should be a pillar of any strategy aimed at protecting civilians. Indeed, a timely preventive strategy can save more lives than any other action.

Finally, we welcome the engagement of the General Assembly in the protection of civilians, as proven by the increasing references to the issue in its resolutions. We encourage and support this important trend.

I wish to conclude by highlighting two issues. First, as also by in resolution 1894 (2009), the protection of civilians is not only a military task; it is a more inclusive challenge. Every component of a peacekeeping mission — military, police, civilian, gender, human rights and child protection — must contribute to achieving the protection goals. Whenever a peacekeeping operation is in place, civilians expect to be protected by United Nations forces. To ensure effective protection, peacekeepers must be adequately trained, which makes synergies with training centres a must. The cooperation agreement signed by the Department of Peacekeeping Operations and the Italian Center of Excellence for Stability Police Units last week is a significant step forward. We must continue to pursue such a capacity-building approach.

Lastly, the protection of civilians must also encompass the principle of the responsibility to protect.

This principle implies that with sovereignty come special responsibilities. Governments must protect their own populations, and the best way to guarantee such protection is to promote human rights, the rule of law and democratic governance. The responsibility to protect should be seen as an instrument available to the international community to overcome crises, provided that the conditions referred to in paragraphs 138 and 139 of the Summit Outcome Document (General Assembly resolution 60/1) are met. In this perspective, Italy looks forward to the upcoming informal interactive dialogue of the General Assembly on early warning, assessment and the responsibility to protect with a view to further implementing the concept.

The President: There are a number of speakers remaining on my list. I therefore intend, with the concurrence of the members of the Council, to suspend the meeting until 3 p.m.

The meeting was suspended at 1.10 p.m.

United Nations S/PV.6354 (Resumption 1)

Security Council

Sixty-fifth year

Provisional

6354th meeting

Wednesday, 7 July 2010, 3.10 p.m.
New York

President:	Mrs. Ogwu	(Nigeria)
Members:	Austria	Mr. Heissel
	Bosnia and Herzegovina	Ms. Kuljanin
	Brazil	Mr. Garcia
	China	Ms. Li Xinyan
	France	Mr. Gonnet
	Gabon	Mrs. Onanga
	Japan	Mr. Nishiumi
	Lebanon	Mr. Ziadeh
	Mexico	Mr. Sánchez Colín
	Russian Federation	Mr. Tolkach
	Turkey	Mr. Ümal
	Uganda	Mrs. Kafeero
	United Kingdom of Great Britain and Northern Ireland	Mr. Green
	United States of America	Mr. Donegan

Agenda

Protection of civilians in armed conflict

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10-43968 (E)

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The meeting resumed at 3.10 p.m.

The President: I should like to inform the Council that I have now received letters from the representatives of Armenia, Azerbaijan and Sri Lanka, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously.

I now give the floor to the representative of Afghanistan.

Mr. Tanin (Afghanistan): First of all, let me congratulate you, Madam President, for assuming the presidency of the Council for this month, and thank you for convening this meeting. Allow me also to thank the Secretary-General, High Commissioner Pillay and Under-Secretary-General Holmes for their briefings today. I want to pay particular tribute to Mr. Holmes, who is no longer in the Chamber, and to thank him for his years of service at the United Nations and his extraordinary efforts to protect civilians across the world.

Only last week, we met in this Chamber to debate the situation in my country (see S/PV.6351), and in my statement at that meeting I emphasized the importance of putting the Afghan people at the centre of our common efforts and of re-engaging them in the reconstruction and stabilization of their country. There can be no legitimacy of efforts or sustainability of progress without the support and partnership of the people themselves. This awareness has led the Government of Afghanistan, in partnership with the international community, to focus on finding ways to meet the needs and expectations of the people. In this regard, last month, my Government convened a Consultative Peace Jirga, which brought together all segments of Afghan society in the search for stability and the end of conflict. One thing was very clear — all Afghans desire peace. This is, at heart, the only way to truly protect the Afghan people and stabilize the country. This is my Government's ultimate and most fundamental goal.

In the meantime, civilians continue to pay a staggering price. Over 6,000 Afghans, including women, children and the elderly, were killed and injured last year alone, and even more are being killed this year. More than half are killed by suicide attacks and improvised explosive devices. Mines and other remnants of war continue to claim lives, particularly of children. In recent years, the Taliban, Al-Qaida and their terrorist allies have been responsible for an increasing and overwhelming majority of civilian casualties, and they have embraced assassinations, executions and threats in an attempt to control the population through terror. They show a complete disregard for human life and a willingness to particularly target vulnerable groups, including schoolchildren and teachers. Last month, in a particularly gruesome example, they hanged a seven-year old child, accusing him of being a Government spy. The same day, they attacked a wedding ceremony and killed over 40 people in Kandahar. Last week, in another province of Afghanistan, they killed another child, with the same accusations.

In addition to the cost of this conflict to Afghans, our international friends are also targeted for their efforts to build a stable, prosperous Afghanistan. Attacks on humanitarian workers, United Nations personnel and those working in education and health care continue to increase. The attack in October on Bakhtar Guest House, which took the lives of five United Nations staff members and three others, was just one of several such incidents. In this regard, and on behalf of my Government, let me reiterate our gratitude to the men and women of the United Nations and our international friends, who work in Afghanistan under very difficult circumstances for the sake of the Afghan people and in the pursuit of international peace and security.

The Afghan Government and people recognize the critical work of the Organization in supporting the efforts of my Government and in providing basic services to and meeting the humanitarian needs of the

people. We fully support all United Nations efforts in Afghanistan and at Headquarters to improve security conditions for United Nations staff.

It is not only the terrorists who are to blame; we, too, bear an enormous responsibility to safeguard the security of non-combatants. We have achieved remarkable progress on this in the past year. We welcomed steps taken by the former commander of the International Security Assistance Force (ISAF), General McChrystal, to change the rules of engagement in order to better protect the lives of civilians, and the Security Council noticed the results in its mission last month. We expect that General Petraeus, as the new commander of ISAF, will continue this emphasis. However, we can and must do more to prevent collateral damage and friendly fire, such as in the unfortunate incident yesterday that cost the lives of five Afghan servicemen.

Every civilian casualty undermines the belief of the people in the good will of the international community and emboldens the enemy. President Karzai continues to raise this issue with our international partners at the highest level, including in his May meetings with President Obama, and we know that our allies share our belief that every civilian death is unacceptable. In addition, my Government is working to build an efficient, effective and responsible army and police force dedicated to the protection of Afghans and the maintenance of security and the rule of law. The safety of the Afghan people should be our central concern, and we must continue to work together to be worthy of their trust and confidence in our future efforts.

Afghanistan supports the growing trend of including the protection of civilians in the mandates of ISAF and other military missions. Increasingly, we should measure our success not by abstract measures, but by concrete improvement in the lives of the people. It is both responsible and necessary that we continue to search for ways to better meet our responsibilities and to bring to Afghans and others the peace, justice and stability that are the birthright of all humankind.

The President: I now give the floor to the representative of Canada.

Mr. McNee (Canada): I would like, Madam President, to thank you and the Nigerian delegation for convening today's meeting on this important theme. I would also like to thank both Under-Secretary-General Holmes and the High Commissioner for Human Rights for their presentations this morning, and to join others in praising John Holmes for his deep commitment and very effective work in protecting civilians.

Since the last open debate (see S/PV.6216) on this subject less than eight months ago, unfortunately there has been no shortage of civilians in need of protection. Long-standing crises in Somalia, the Sudan, the Democratic Republic of the Congo and Afghanistan — as we have just heard — have been joined by new crises in Yemen and Kyrgyzstan. The international community continues to grapple with protection issues related to displacement, sexual and gender-based violence and the forced recruitment of children into armed conflict on a large scale.

Canada is pleased that the Council remains actively seized of the need for strategic action, and we believe that progress is being made. A clearer agenda for the protection of civilians is emerging, with increasing political engagement evident in the adoption of four new Security Council resolutions over the past year on the protection of civilians; women, peace and security; and children and armed conflict. These resolutions have been practical, providing an operational focus with respect to peace operations, and stronger tools in implementing the women, peace and security agenda and the monitoring and reporting mechanism for grave violations against children. Canada welcomes the appointment of a Special Representative to provide leadership and coordination on addressing sexual violence in armed conflict.

Outside the Council, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa sends an important signal about the seriousness with which Africa — which is home to around half of the global total of internally displaced persons — considers the issue.

Nevertheless, despite these positive efforts, regular reflection and refinement are needed for those areas where action still falls short. Sustained, pragmatic commitment is needed, as is the mainstreaming of protection issues into policy and decision-making processes. I would like briefly to highlight three key areas of focus where positive changes, we think, can be made: first, consistency in the Council's approach; secondly, enhancing protection through more effective peace operations; and, finally, accountability.

First, in our view the Security Council would benefit from better-defined trigger mechanisms to complement the aide-memoire (see S/PRST/2009/1, annex) and assist the Council in determining when and how to engage when civilians are at risk. Too often, it seems that there is a tendency to overlook those contexts of which the Council is not actively seized and to delay action rather than to get out in front of a crisis. In this respect, the Council would benefit from contingency planning when parties do not respond to its resolutions or sanctions, and from the ability and willingness to draw on other tools at its disposal, such as commissions of inquiry, expert panels, envoys and preventive deployments. Canada views the expert group as an important forum for the humanitarian community to brief the Council informally on protection of civilians issues.

Secondly, we must continue to encourage greater complementarity while reducing overlap and competition among those engaged in peacemaking, peacekeeping, peacebuilding and humanitarian response. Those involved in peace operations should respect humanitarian principles, while humanitarian actors should recognize the need to re-establish the responsibility and legitimacy of national institutions. If peace processes are really to take hold, the rights and well-being of civilians, including women and girls, must be integrated into all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programming. This means building a holistic approach that is not focused solely on a given humanitarian, military or policing task but includes action on human rights, the rule of law, political, security, development and disarmament.

In all these efforts, the international community must be attuned to including the voices of those affected, including refugees and internally displaced persons. The independent study jointly commissioned by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, as well as the New Horizon initiative, present a comprehensive set of recommendations on how peace operations can be strengthened to better meet protection concerns. Canada welcomes the efforts of the Secretariat to close the gap between mandates, expectations, roles and responsibilities. My delegation looks forward to the establishment of clear benchmarks and guidelines to ensure that peacekeeping missions are provided with the tools to protect civilians properly.

When it comes to engagement by regional organizations, it is critical to ensure clarity around roles, expectations and lines of accountability. On the ground, special representatives of the Secretary-General and country teams must regularly assess, monitor and report on the implementation of these mandates. They must be able to rely on the Council's support and receive the training and resources needed to fulfil their roles. In turn, Member States have a key role to play in providing the political momentum to drive the protection of civilians agenda forward.

(*spoke in French*)

Thirdly, in many conflicts it is frequently the absence of accountability that allows violations to thrive. Protection work is first and foremost a sustained and multifaceted effort to develop an environment conducive to the rule of law. Whatever the nature of the threat to civilians, compliance with international law by all parties concerned is the best guarantee for ensuring their safety. Strong, independent, transparent and dependable judicial and policing institutions are fundamental in that respect. The restoration of law and order to prevent further violence and encourage accountability must be a key priority for the States concerned, the Security Council and peace operations.

The Council has an important role to play in calling for security system reform and transitional justice mechanisms and for supporting those reforms. Canada is pleased to provide direct support to the ongoing work of the United Nations in this area, including via the inter-agency Security Sector Reform Task Force in order to generate an integrated, holistic approach to those reforms.

In the absence of adequate local capacity, the rapid deployment of international civilian law enforcement and criminal justice experts could make an important contribution. Canada will continue to make important investments in this key area, on both a multilateral and a bilateral basis. Canada can never stress strongly enough the fact that the protection of civilians also includes ensuring the safety and security of those individuals who put their lives on the line every day to reach those in need.

The past year has been difficult for humanitarian workers who have witnessed their colleagues abducted, threatened and sometimes killed in the discharge of their work. This situation is unacceptable. We recognize the efforts under way to improve protection

of staff, including national staff, who are often the most vulnerable. We all have an obligation to support those on the front line of humanitarian action.

In closing, Canada sees the protection of civilians in armed conflict as an essential element in the maintenance of freedom, democracy, human rights and the rule of law. We recognize that this is a complex and multilayered issue requiring concrete action to apply the rules that Member States and the Council have adopted. With focused and consistent engagement, the potential exists to make strong gains over the coming year.

The President: I give the floor to the representative of South Africa.

Mr. Mashabane (South Africa): We thank you, Madam President, for convening this open debate on the protection of civilians in armed conflict. I also take this opportunity to congratulate you and the delegation of Nigeria on your assumption of the presidency of the Security Council for the month of July. We further welcome the presence and participation of the Secretary-General earlier in today's debate, and we thank the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes, as well as the High Commissioner for Human Rights, Ms. Pillay, for their briefings to the Council.

Since the adoption of resolution 1265 (1999) 10 years ago and of the Geneva Conventions 60 years ago, the Security Council has on many occasions addressed the important issue before us today. In this context, we commend the Council for its commitment to the protection of civilians, especially its adoption of resolution 1894 (2009).

South Africa attaches high importance to the protection of civilians in armed conflict. As a country, we have acceded to the Geneva Conventions of 1949 and the two Additional Protocols of 1977. These instruments are critical to the issue before us today, as they seek to protect various victims of armed conflict, particularly civilians not involved in hostilities. My delegation recognizes that the protection of civilians is, by its very nature, the primary responsibility of individual Member States. However, the issue of the protection of civilians in armed conflict has become more complex as various conflicts of different natures have broken out.

The issue of the protection of civilians should therefore be approached in a holistic manner. In this context, measures to protect civilians in armed conflict can be viable only if the critical needs of civilians, including their socio-economic needs, are adequately addressed. Crucially, addressing the specific protection needs of women and children must remain a priority matter for the international community, in particular the United Nations system. My delegation therefore reiterates our support for the implementation of resolution 1325 (2000) on women and peace and security and resolution 1612 (2005) on children and armed conflict, as well as other relevant resolutions.

South Africa is of the view that the appointment of the Special Representative of the Secretary-General on Sexual Violence in Conflict, in February this year, was a positive development that reaffirmed the readiness of the United Nations to take action in addressing the plight of women and children when sexual violence has been a major problem or any grave violation has been committed.

In recent years, United Nations peacekeeping operations have played an important part in the protection of civilians. In addition, modern-day peacekeeping missions are by and large deployed to address intra-State conflicts, and an increasing number of United Nations peacekeeping operations have a protection mandate. In that regard, in deploying peacekeepers, the United Nations must ensure that all parties to a conflict commit to and fulfil their obligations with regard to non-combatants, as provided in the Geneva Conventions. In my delegation's view, that requires the Security Council and peacekeeping missions to operate with great sensitivity to assure the host country that they are there to work with the parties and not to replace the State's authority. It therefore requires a coordinated response by and greater consultation among the Security Council, troop-contributing countries and the Secretariat to ensure that peacekeeping mandates are well defined and peacekeeping missions well equipped and adequately resourced.

For us, the African Union Convention for the Protection and Assistance of Internally Displaced Persons represents a major milestone for the continent when it comes to the matter under consideration. The deliberate targeting of civilians and the indiscriminate and excessive use of force, including suicide attacks, have become widespread in certain places, creating an atmosphere of fear aimed at further destabilizing and displacing civilian populations. In other conflict

situations, militarily superior parties, including multinational forces, often respond with methods and means of warfare that violate the principles of distinction and proportionality. In such cases it is again civilians who bear the brunt.

We therefore unequivocally condemn both deliberate attacks on civilians and the loss of life as a result of the indiscriminate or disproportionate use of force, which is a gross violation of international humanitarian law. As a signatory of the Geneva Conventions of 1949 and its two Additional Protocols of 1977, South Africa wishes to underline the importance of adhering to the principles contained therein and calls for the full implementation of the commitments made by States parties to those basic tenets of international law. We support the good work done by the International Committee of the Red Cross and other humanitarian agencies in relation to the promotion and implementation of international humanitarian law.

The Security Council should also continue to call on all parties to a conflict, including multinational forces authorized by the Council, to uphold their international humanitarian law and human rights obligations and to report on steps taken to ensure the protection of civilians during hostilities.

The issue of humanitarian access will require further attention so as to find ways to ensure that those in need of life-saving assistance receive it and that those who provide it do so in a secure environment in which attacks on humanitarian workers are not tolerated.

In the case of the occupied Palestinian territories, my delegation strongly urges that the blockade be lifted in order to provide the necessary humanitarian assistance to the people of Gaza, in accordance with the principles of neutrality, impartiality and independence.

The protection of civilians in armed conflict must remain a priority of the United Nations system. My delegation is therefore of the view that finding a common solution to the protection of civilians will require the cooperation of each and every Member State. We also believe that the protection of civilians would be better addressed in partnership with regional mechanisms and that strengthening dialogue and cooperation between the Security Council and regional organizations would contribute to tackling common security challenges and ensuring speedy action on the ground.

In conclusion, my delegation firmly believes that the protection of civilians would be better ensured by addressing the root causes of conflict and by preventing the outbreak of conflicts in the first instance.

The President: I now give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): I would like to thank you, Madam President, for organizing today's open debate on the protection of civilians in armed conflict. I would also like to thank the Emergency Relief Coordinator, John Holmes, for his briefing and his dedication to advancing the work of the United Nations on this issue over the past three years. It was also a particular pleasure for us to see the High Commissioner for Human Rights in the Security Council.

We have seen significant progress in recent years on the topic under consideration, such as the establishment of an expert group on the protection of civilians, the updating of the aide-memoire (*see S/PRST/2009/1, annex*) and the appointment of a Special Representative on Sexual Violence in Conflict. Nevertheless, there continues to be a gap between the normative framework and the realities on the ground. Progress on the protection of civilians can only be made when Security Council members put their protection commitments before other interests and if issues relating to the protection of civilians are streamlined in the Security Council's consideration beyond this thematic debate.

Timely and unhindered access to civilians in armed conflict is vital to providing humanitarian assistance. Too often access is unsafe, granted too late or not granted at all. The Council must ensure that parties to a conflict comply with their obligations under international humanitarian law to facilitate humanitarian access. We therefore support the inclusion of an annex to the report of the Secretary-General to better analyze, monitor and respond to access restrictions. Restricting access to populations in need contributes to the vicious cycle of war economies, which tend to exacerbate and prolong conflicts. Against that background, we also welcome the announced partial lifting of the Gaza blockade as a first step in the right direction.

Peacekeeping missions continue to suffer from a disconnection between mandates and the conditions on the ground. Mandates are often drafted in a vague manner and are subject to multiple interpretations. Future mandates should provide clear guidance, in particular to police and force commanders. In the meantime, we encourage the Department of Peacekeeping Operations to continue developing operational guidance on the implementation of mandates. In particular, the protection of civilians requires a holistic approach beyond solely military considerations. Mission-wide protection strategies must synergize all available components and resources, including the country team and the host nation.

The Council must ensure that mandates are backed up by the resources and capacities necessary to match reasonable expectations on the ground. To that end, we welcome the establishment of an expert group on the protection of civilians and commend the Council for adopting resolution 1894 (2009) as a crucial step to improving the drafting of mandates of peacekeeping missions. We encourage the Council to continue to update the aide-memoire annually, as originally envisaged in the presidential statement of December 2002 (*S/PRST/2002/41*).

Efforts to uphold the authority of the core standards of international humanitarian law must be redoubled. The International Criminal Court (ICC) is at the centre of the fight against impunity at the international level, but it can only act as a court of last resort. We fully subscribe to the principle that national judicial authorities have the primary obligation to investigate and prosecute violations of international humanitarian law. However, many conflict and post-conflict countries lack the capacity to conduct credible judicial proceedings and require comprehensive assistance. One conclusion of the recent stocktaking of international criminal justice, undertaken at the ICC Review Conference in Kampala, Uganda, was the need to significantly step up such efforts and to support them. We encourage all stake-holders to engage in new concerted efforts to this end.

The President: I call next on the representative of Argentina.

Mr. Argüello (Argentina) (*spoke in Spanish*): Madame President, allow me at the outset to congratulate you on assuming the presidency of the Security Council for this month, and to thank you for the timely convening of this meeting.

The protection of civilians in armed conflict continues to be a matter to which the international community and my country attribute considerable importance. It is unfortunate that the Security Council must continue to consider this matter, as civilians still suffer greatly from the consequences of armed conflict. Thus the Council must continue its commitment to the protection of civilians in armed conflict with the fostering of full respect for humanitarian law and international law and human rights, as well as the fight against impunity.

My delegation has repeatedly underscored the value and significance of the 1949 Geneva Conventions, which represented a significant step forward for the international community with respect to the dehumanization through which it had lived. Six decades later there are still conflicts. Unfortunately there are still many situations in which civilians are targets of attacks, resulting in unacceptable deaths among the civilian population, situations in which children are recruited as soldiers and girls are recruited for purposes of abuse. Rape and every kind of sexual abuse are daily occurrences, and thousands and even millions of people are displaced. Access to humanitarian support is rendered impossible or is seriously hindered. Many such situations are exacerbated by the lack of mechanisms that guarantee justice and punishment for perpetrators — that is, impunity prevails.

Parties in an armed conflict are subject to the basic norms of international humanitarian law, which stipulate that civilians must be protected from the effects of conflict. As regards non-State armed groups present in those armed conflicts that are not of an international character, it is clear that common article 3 of the four 1949 Geneva Conventions contains specific obligations that must be respected by the parties in conflict. It also applies to a party or parties that are not of a State nature.

Peacekeeping operations and the protection of civilians are of direct concern to the Security Council. As I have indicated on other occasions, my country is convinced of the need to include protection activities in mandates of United Nations missions and to develop them with clarity and provide them the resources they need in an efficient and timely manner. Interaction with

the contingents on the ground is essential for the mandates to be not only clear, but also, and fundamentally, appropriate to the circumstances that the peacekeeping operation will face.

Regarding the composition of the contingents, it is important to bear in mind the structure required to meet the needs for the protection of women, in particular, in matters of sexual violence. It is also important to bear in mind the need to protect children from being recruited as soldiers, and for their rehabilitation.

Another critical aspect of the protection of civilians is ensuring access to humanitarian assistance. If parties to a conflict fail to fulfil their obligations according to international humanitarian law, they must at least do their utmost to ensure access of shipments and materials and the delivery of support. Also, persons fleeing combat areas must be allowed to safely transit to areas where they can be safe from hostilities.

One delegation mentioned the possibility of establishing commissions of inquiry. On this matter, and in the matter of international conflicts, I would like highlight a means for one or more parties to a conflict not only to gain access to an investigation of facts that could be serious violations of the Geneva Conventions, but also to obtain the unofficial offices of an impartial body that can allow full respect for the Conventions. I am referring to the International Fact-Finding Commission established in Protocol I to the Geneva Conventions. We encourage States to keep that possibility in mind, and we welcome the fact that, at its sixty-fourth session, the General Assembly granted observer status to the International Fact-Finding Commission.

Being a victim of an armed conflict is a condition that extends beyond the end of hostilities. In the stocktaking exercise of the International Criminal Court (ICC) that took place during the Review Conference of the Rome Statute, held in Kampala, there was an analysis of the victims and affected communities. One element to underscore — as was done at that event — is that the ICC has allowed victims of serious crimes to speak for themselves and that child soldiers were recognized more as victims than perpetrators. It was also underscored that women are usually subjected to sexual violence as a tactic of war. In the case of both women and children it is clear that they continue to be victims when they return to their communities, often stigmatized and subjected to reprisals.

In that context it is thus necessary to refer to the role of justice, a matter to which my country attaches the utmost importance. Perpetrators of war crimes, genocide or crimes against humanity are responsible for serious crimes, and they must be brought to justice. Ensuring justice in relation to such very grave crimes is more than an obligation of States; it is in the interest of the international community represented in this Organization, since justice contributes to alleviating the wounds caused by the conflict and paves the way for reconstruction and peace.

This Council established two international tribunals: the International Criminal Tribunals for the former Yugoslavia and for Rwanda. Currently we are in transit towards a system for international justice for the most serious crimes, including war crimes, based on a permanent tribunal more than on an ad hoc tribunal. Such a permanent tribunal is fully functioning — the International Criminal Court, established by the 1998 Rome Statute.

It must be repeated once more that, in accordance with international humanitarian law and the resolutions of this Council, any kind of attack targeting civilians and other protected persons in situations of armed conflict — including obstructing access to humanitarian assistance and the recruitment of children — constitutes a violation of international law. Therefore I wish to conclude by once more urging strict compliance with the obligations arising from the 1899 and 1907 Hague Conventions, the four 1949 Geneva Conventions and their 1977 Additional Protocols, general international law, and Security Council decisions.

The President: I now give the floor to the representative of India.

Mr. Manjeev Singh Puri (India): At the outset, please allow me to clarify that I am representing my Permanent Representative, who had to be elsewhere because of the slight delay in our being able to speak.

India would like to thank the Nigerian presidency for organizing this thematic debate on the issue of the protection of civilians. This is a theme that, in our understanding, falls within the broader rubric of peacekeeping, which, with more than 100,000 peacekeepers and an $8-billion budget, remains the

most visible operational activity of the United Nations. The fact that both the Security Council and the General Assembly have organized thematic debates on peacekeeping within two weeks of one another is a reflection of the centrality of peacekeeping both to the Council and to the Assembly.

This is the second time in less than a year that the Council debates the issue of the protection of civilians. There has been considerable movement in the normative sphere in the period intervening those debates. The protection of civilians and other associated concepts have been discussed in detail by Member States during the deliberations of the Special Committee on Peacekeeping Operations. Work is also under way on developing operational doctrines that will actually bring succour to the weak and the helpless in the face of violence and conflict. The debate is no longer on whether we protect civilians; it is about how we protect them.

My delegation is in favour of intergovernmental discussions to develop the normative and operational framework for the protection of civilians. As our record establishes, we stand ready and willing to engage. We would, however, like to caution against the tendency, evident in recent debates on important strategies, to pay lip service to or even bypass the consultative process that is built into a multilateral decision-making structure. Those attempts will fail and undermine the trust and credibility that are integral to the efficient and effective functioning of the Department of Peacekeeping Operations (DPKO) and the Department of Field Support.

International humanitarian law, particularly those provisions that protect civilians, arose to deal with the terrible suffering of civilians in war. The Security Council, in its wisdom, attempted to apply some of the provisions of those laws to intra-State conflict. Unfortunately, the situation on the ground in the areas where the United Nations operates is not entirely satisfactory. Civilians continue to suffer today. It is non-belligerents who continue to bear the brunt of violence in conflict and post-conflict situations.

The operational reasons behind the United Nations inability to fully translate the Security Council's intent to protect civilians on the ground were spelled out with clarity and precision by the independent study commissioned by DPKO last year. It is clear that the major share of the blame lies with the Council itself. Over more than a decade, it has been unable to develop a clear understanding of the nature and extent of the problem, has been unable to give clear directions to DPKO about what it wants and what and how DPKO should operate, and has not taken into account the experience and inputs of countries whose troops are actually on the ground. As the report succinctly states, the confusion over the Council's intent is evident in the lack of policy, guidance, planning and preparedness. As a representative of a country that has been an active participant in United Nations peacekeeping since 1956 and has contributed more than 100,000 peacekeepers to 40 of its operations, my delegation cannot claim to be surprised by the findings.

More than 8,000 Indian peacekeepers are on the ground today and, as I speak here, protecting civilians in some of the most challenging operational environments. They operate in situations where violence is low-intensity and often confusing, where belligerents are not necessarily combatants under international humanitarian law, where information is deficient, and where resources and infrastructure are woefully inadequate. Working within those deficiencies, our men and women are trying their utmost to prevent conflict and to stabilize post-conflict situations.

My delegation has concluded that peacekeepers on the ground find it difficult to connect to the debates taking place here. They find that there is insufficient appreciation of the operational challenges of actually executing the mandates of the Security Council. They find that there is an emphasis on normative aspects rather than on implementation. They find that they are being asked to do more and more with less.

Today, 80 per cent of peacekeeping resources are devoted to operations that are more than five years old. Those operations are being called upon to transition into peacebuilding missions, even as they have not entirely overcome the challenges of peacekeeping. In that context, the normative debate associated with the protection of civilians runs the risk of becoming a debate on the strategy to fight yesterday's battle.

We are meeting in the shadow of a demand for reduced United Nations presence in certain key operational areas. It is unlikely that this demand arises out of the success of the United Nations. It is more likely that the United Nations is now of limited

relevance in responding to the challenges facing national authorities as they struggle to consolidate peace. There is no better way of protecting civilians than by consolidating peace. Debates on issues such as strategic consent will not be found helpful by national authorities. That is not what host countries want as they struggle to build institutions and stimulate economic growth.

Attempts to obfuscate the difference between Chapter VI and Chapter VII of the Charter do not serve the ideal purpose of peacekeeping. There is a time and a place for both. Backdoor efforts to evade the Council's special responsibilities, while retaining its privileges, will affect the credibility of the institution.

There is only so much that peacekeepers and DPKO can do. It is important to remember at all times that the primary responsibility for maintaining peace under a Chapter VI operation is that of the host Government. The role of the United Nations is to support their authorities in accordance with their priorities and the relevant ground realities.

We hear from national authorities that the Office of Rule of Law and Security Institutions is now as important as that of the military component in protecting civilians. We also hear that an augmented police presence is required while security sectors are reformed. Security sector reform must be driven by national requirements, and not by donor priorities. The capacity-driven approach that has been adopted needs to become an exercise in understanding and providing what host Governments require, not one of collating what donors can give. Security sector reform will fail to consolidate the hard-earned gains of peacekeeping unless it is based on organic growth and related to the realities of the developing world.

There are countries that have overcome post-colonial challenges similar to those we are concerned with today. There are nations that have faced these obstacles in democratic and open settings while giving primacy to human rights and the rule of law. We need to look at such examples.

The success of the Indian female formed police unit in Liberia is testimony to the power of an example that is relevant to ground realities.

In conclusion, let me thank you again, Madam President, for organizing this debate. India is committed to contributing, through its peacekeepers and its national capacities, to the promotion of peace and security and to the role of the United Nations.

The President: I now give the floor to the representative of Israel.

Ms. Schonmann (Israel): I would like to thank you, Madam President, for convening this important debate. I also wish to thank Under-Secretary-General for Humanitarian Affairs Holmes for his informative briefing, as well as High Commissioner for Human Rights Pillay.

Israel considers the protection of civilians in armed conflict to be of the utmost importance. We are encouraged by the continued efforts of the Security Council, the Secretary-General and his staff in this area. Israel works closely with the United Nations here at Headquarters and on the ground to ensure humanitarian access to civilians in need in times of armed conflict, and will continue to do so.

Since last November's debate in the Council (*see S/PV.6216*) — which marked the anniversary of the adoption of resolution 1265 (1999) on the protection of civilians in armed conflict — and the adoption of resolution 1894 (2009) as well as last week's debate on the protection of children in armed conflict (*see S/PV.6341*), it has become evident that, alongside the considerable progress that has been made, including the recent appointment of a Special Representative on Sexual Violence in Conflict, key challenges and difficult operational, humanitarian and moral dilemmas still remain.

In the face of asymmetric warfare, which is a new and complex phenomenon that the international community has yet to address, regular armies increasingly find themselves fighting paramilitary terrorists or guerrilla organizations that deliberately operate in the vicinity of civilians in densely populated urban settings. While the principle of distinction between combatants and civilians under the laws of armed conflict remain of paramount importance, it has been challenged time and again by developments in modern warfare.

The dilemmas inherent in asymmetric warfare, especially in a situation where terrorists intentionally draw civilians into armed conflict, using them as human shields, warrants close, candid and serious consideration by the Council, taking into account that there are no easy answers, no simple formulas, nor any

mathematical certainty in calculating the tragic toll on civilian lives in any given armed conflict. It further requires international lawyers and policymakers to grapple with the reality on the ground, intricate and complex as it may be.

Although asymmetric warfare has unfortunately become characteristic of the challenges facing Israel in its fight against terrorism in Gaza, it features in many other situations around the world, with similar modus operandi and warfare tactics employed by terrorists, including the deliberate placement of civilians in the vicinity of military targets, turning residential neighbourhoods into combat zones, firing rockets and mortar shells from within civilian population centres and using mosques, hospitals and educational institutions as locations for storing weapons and terrorist infrastructure, to mention but a few.

From our own experience, the blatant disregard by terrorists of the sanctity of human life is not restricted to civilians of their adversary, but is also extended to their own populations. In the Gaza Strip, Palestinian terrorists use similar tactics to launch rockets and mortars from densely populated areas, while turning the civilians' homes from which they operate into a battlefield.

In Lebanon, Hizbullah, just as Hamas in Gaza, maintains its military activity within the fabric of civilian life. Only a few days ago, Hizbullah yet again demonstrated its disregard of civilians when its operatives organized and actively encouraged Lebanese residents and Hizbullah activists to stage seemingly spontaneous violent riots of protest against the United Nations Interim Force in Lebanon, to be followed by numerous incidents directed at these forces, which consequently took place on 3 July. Those orchestrated incidents by Hizbullah against United Nations peacekeepers violates resolution 1701 (2006). Israel expects that these incidents will be addressed in the upcoming briefing to the Security Council on the implementation of resolution 1701 (2006), which is scheduled for next week.

Israel also wishes to pay tribute to, and express its continuing support for, the work of humanitarian agencies that provide essential services on the ground. Israel's continued efforts to facilitate humanitarian assistance to Gaza, including, most recently, the expanded opening of crossing points and the lifting of restrictions on products, are indicative of its genuine efforts to alleviate the hardship of the civilian population subjected to the control and manipulation of the hostile terrorist entity.

However, we must not ignore the fact that terrorists often abuse access privileges, which greatly endangers humanitarian workers and obstructs the movement of aid. Under international humanitarian law, the right to free movement of humanitarian personnel is subject to military necessities and security considerations, among them the safety of the humanitarian personnel themselves and the need to prevent the abuse of humanitarian channels.

Ultimately, any candid assessment of the challenges and dilemmas involved in the protection of civilians in contemporary battlefields as well as the applicable rules of the laws of armed conflict must properly address and balance between several key concepts and principles, including military necessity, humanity, distinction and proportionality, as well as tne recognition that civilians too have the responsibility not to abuse their protected status to take direct part in hostilities.

Israel's Supreme Court has had to address such real and practical challenges during active warfare and combat activities, at times even at the expense of suspending military operations. In seeking a balance between competing security and humanitarian considerations, the protection of civilians resurfaces throughout the Court's extensive jurisprudence on this matter, shedding light on the dilemmas involved in finding an appropriate balance within the framework of the rule of law.

Israel, for its part, will continue to engage in this critical debate and share its experience as part of its commitment to ensuring the protection of civilians amid hostilities and warfare and as part of its commitment to the rule of law.

The President: I now give the floor to His Excellency Mr. Pedro Serrano, acting head of the delegation of the European Union to the United Nations.

Mr. Serrano (European Union): Many thanks, Madam President, for giving the floor to the European Union (EU), allowing it to contribute to this timely and important debate.

The candidate countries of Croatia and the former Yugoslav Republic of Macedonia, the countries of the

Stabilisation and Association Process and potential candidates of Albania, Bosnia and Herzegovina, Montenegro and Serbia, and the European Free Trade Association country of Iceland, a member of the European Economic Area, as well as Ukraine, the Republic of Moldova, Armenia and Azerbaijan, align themselves with this statement.

In the interest of time, I shall read out an abridged version of the EU statement.

Let me thank Under-Secretary-General Holmes for his presentation on the current challenges relating to the protection of civilians. I also welcome the participation of the United Nations High Commissioner for Human Rights, Ms. Pillay, in this debate, and thank her for the proposals aimed at strengthening human rights protection for civilians in the most difficult situations.

Thanks to the work conducted within the United Nations, there is an increasing understanding of the important concept of the protection of civilians in situations of armed conflict. As it is a cross-cutting issue, our strategy needs to be comprehensive. It should encompass activities that range from ensuring the safety and physical integrity of civilian populations to preventing war crimes and other deliberate acts of violence, securing humanitarian access and ensuring full respect for human rights and international humanitarian law by all parties to conflict.

The adoption of resolution 1894 (2009), last November, is a landmark development. It reflects the increased attention paid by the Security Council to protection issues. Security Council resolutions on women, peace and security and on children and armed conflict also contribute to enhancing the protection agenda. Furthermore, stronger interaction between the Council, troop and police contributors, Special Representatives of the Secretary-General, missions and other relevant actors in the field adds to greater coherence and helps mainstream the issue of protection. The European Union commends the work of the expert group on the protection of civilians as a valuable forum for addressing protection concerns in the run-up to mandate renewals.

Moreover, it is crucial to highlight the importance of developing synergies between the protection of civilians and other fields such as transitional justice, gender policies and development, and of ensuring good cooperation among all actors concerned. In the same vein, enhanced cooperation between the Security Council and the Peacebuilding Commission (PBC) will allow the sharing of experience and expertise with regard to protection issues, especially relating to the four countries currently on the PBC agenda, as the EU has repeatedly underlined in the consultations for the 2010 review of the PBC. In particular, the return, resettlement and protection of internally displaced persons and refugees and the specific protection needs of women and children need to be addressed in still-volatile post-conflict environments. The PBC has been indeed active in this field.

We are grateful to Under-Secretary-General Holmes for underlining the need for better compliance with international humanitarian law, including by non-State actors, and we concur with the need for greater accountability for violations of international humanitarian law.

The European Union encourages the Council to adopt appropriate measures in cases of widespread violations of international humanitarian and human rights law in situations of armed conflict. In this regard, we welcome the recently adopted presidential statement on children and armed conflict (S/PRST/2010/10), which provides for increased exchange between the Security Council Working Group on children and armed conflict and sanctions committees.

Moreover, as Under-Secretary-General Holmes underlined in his briefing today, it is essential to ensure safe access to the civilian population — particularly to vulnerable groups, such as detainees, IDPs, women and children — for humanitarian assistance. We look forward to more comprehensive reporting by the Secretary-General on challenges to humanitarian access in situations on the agenda of the Council.

As the world's largest provider of humanitarian aid and through its contributions to crisis management, the European Union is an important partner in United Nations engagements in conflict and post-conflict situations. Over the course of the past year alone, the United Nations and the European Union have worked together in more than 60 countries that were either in emergency or protracted crises to provide assistance and offer protection to vulnerable groups.

While the protection of civilians and the responsibility to protect are two different concepts that must not be confused with one another, there is a clear

linkage between them because, when populations are properly protected, they will not fall victim to genocide, war crimes, crime against humanity and ethnic cleansing.

As many speakers have stressed today, the implementation and operationalization of the protection mandates of United Nations peacekeeping and other missions are key to protecting civilians. The European Union recognizes and welcomes important implementation steps taken since the adoption of resolution 1894 (2009). These include the independent study commissioned by the Department of Peacekeeping Operations (DPKO) and the Office for the Coordination of Humanitarian Affairs; the operational concept and the lessons learned note circulated by DPKO; and the regular inclusion of protection of civilians tasks in the mandates of United Nations peacekeeping operations; the more consistent and systemic consideration of protection of civilians issues in the Secretary-General's reports; the significant inclusion of several paragraphs on the protection of civilians in the 2010 recommendations of the Special Committee on Peacekeeping Operations (see A/64/19), including the development of a strategic framework for mission-wide protection strategies; the elaboration of protection of civilians training modules; and an assessment of the resource requirements for implementing protection mandates.

We look forward to the next report of the Secretary-General on the protection of civilians and to the first progress report on New Horizons, and trust that the issue of improving the protection of civilians will be addressed therein. All these measures will contribute to the development of a culture of protection.

The European Union, for its part, is currently studying the United Nations implementation tools closely, not least in view of our own efforts to further develop the guidelines on the protection of civilians in European Union crisis-management missions and operations. We are very eager to exchange experiences with the United Nations on this issue. In our view, cooperation in this field could be extended to other international actors engaged in crisis management, such as NATO, the African Union, the Organization for Security and Cooperation in Europe, the Council of Europe, the International Committee of the Red Cross, civil society groups and others.

I would like to close by thanking Under-Secretary-General Holmes for his excellent and tireless work for the United Nations humanitarian cause, and wish him all the best for his future.

The President: I now give the floor to the representative of Switzerland.

Mr. Gürber (Switzerland) (*spoke in French*): Madam President, I thank you for organizing this debate on the protection of civilians in armed conflict. I would also like to thank Under-Secretary-General John Holmes for his work during the past three and a half years as head of the Office for the Coordination of Humanitarian Affairs (OCHA) and as United Nations Emergency Relief Coordinator. In a climate characterized by the ever-diminishing application of international humanitarian law, OCHA's role as advocate for the protection of civilians has never been more necessary.

Last year's tenth anniversary of the Security Council debate on the protection of civilians was notable for the adoption of resolution 1894 (2009). The resolution reiterated the fundamental aspects on which the action of States must focus to ensure the effective protection of civilians in situations of armed conflict. It should be implemented without reserve.

I would like to focus my remarks on the follow-up to three key aspects of the resolution: the links to the questions of children in armed conflict and of gender; the need to focus more attention on the protection of civilians in peacekeeping operations; and the question of respect for international law by non-State actors.

First, concerning children in armed conflicts and the gender aspects, Switzerland considers the adoption of resolution 1882 (2009) to have been an important step forward. It is now necessary to consolidate efforts to ensure the effectiveness of the new provisions and to ensure the effective implementation of resolutions 1612 (2005) and 1882 (2009). In this context, Switzerland would like to recall the importance of strengthening the operational response, which it considers to be essential for ensuring the effective protection and care of children who have fallen victim to serious violations, as well as for preventing further violations.

Moreover, we cannot discuss the protection of civilians without taking into consideration resolution

1325 (2000) on women, peace and security and the resolutions that have succeeded it. These point to the need to strengthen the participation of women in peacebuilding activities, the prevention of gender-based violence, and the protection of the rights of women and girls in conflict and post-conflict situations. The principles reflected in these resolutions are relevant to the establishment of effective global strategies to protect civilians. As a general rule, the Security Council should consider the question of the protection of civilians in situations of armed conflict through systematic referral to the resolutions on women, peace and security and on children in situations of armed conflict.

Secondly, I would like to draw the Council's attention to the growing recognition within the United Nations system of the challenges posed by the protection of civilians. Of particular note is the Special Committee on Peacekeeping Operations, whose efforts produced a number of concrete recommendations last spring for improving the operational implementation of the mandates for the protection of civilians. I invite the members of the Council and the group of experts on the protection of civilians to bear these recommendations in mind in their work.

Thirdly, Switzerland wishes to underline the importance of the Security Council's appeals on all conflict parties to respect the provisions of international humanitarian, human rights and refugee law with regard to civilians in armed conflict. Non-State armed groups are very present in most of the conflicts on the Council's agenda. We must therefore continue to support efforts to ensure that non-State armed groups commit themselves to better respecting civilians in conflict zones, as well as to initiatives to record such cases. In this way, we will be able to identify new measures to ensure that non-State armed groups adhere to the existing norms. In this context, Switzerland welcomes the initiative of Geneva Call to organize, in collaboration with OCHA, a debate on this subject at the International Peace Institute in New York on 20 July.

Last but not least, combating impunity is an essential part of efforts to improve respect for the rights and needs of civilian populations. It is essential that investigations be undertaken into all alleged violations of international humanitarian law, whatever the context and whoever the alleged perpetrator. To this end, Switzerland would like to raise the possibility of calling upon the International Humanitarian Fact-Finding Commission, created under the First Additional Protocol to the Geneva Conventions.

Mr. Quinlan (Australia): Australia very much welcomes the opportunity today, especially under the Nigerian presidency, to discuss this critical issue before the Council. First, I would like to thank the Secretary-General, the High Commission for Human Rights, Ms. Pillay, and the Under-Secretary-General for Humanitarian Affairs, Sir John Holmes, for their presentations. It is essential, of course, that the Council and the United Nations system generally keep this compelling matter within its sights. I especially want to recognize the role of Under-Secretary-General Holmes in helping candidly to keep us honest about this imperative, which, of course, goes to the core of why we created the United Nations.

The presentations today remind us tellingly that the plight of civilians in modern conflict remains very dire. From the numbers of internally displaced persons to the horrifying statistics on sexual violence, it is very clear that the international community needs to do much more to ensure that innocent and vulnerable civilians in armed conflict situations are protected.

Given today's time constraints, I would like to focus my remarks on one aspect discussed in the briefings — the issue of protection of civilians in the context of peacekeeping operations. When the Council debated this issue in November last year (see S/PV.6216), there was still a wide gap in the understanding among Member States of the meaning of protection of civilians in the context of a peacekeeping operation. The development of a draft operational concept late last year in response to calls from the Special Committee on Peacekeeping Operations and the Security Council in its resolution 1894 (2009) was a significant step forward in closing that gap, although more needs to be done. This year, the Special Committee on Peacekeeping Operations subsequently requested the Secretariat to develop a strategic framework which, importantly, will contain elements and parameters for mission-specific strategies to guide senior mission leadership, to develop training modules, and to outline resource and capability requirements.

As part of Australia's own continuing engagement on this practical agenda, we have been pleased to engage with other Member States to further contribute to the efforts of peacekeepers to protect

civilians. In January, we were pleased to again partner with Uruguay in hosting a workshop here in New York to discuss the recommendations of the independent study — jointly commissioned by the Department of Peacekeeping Operations (DPKO) and the Office for the Coordination of Humanitarian Affairs — on the protection of civilians. In April, as one of 17 member countries of the Challenges Partnership, Australia hosted the third International Forum for the Challenges of Peace Operations, which examined the challenges of strengthening the protection of civilians in multidimensional peace operations. And most recently, we have been very pleased to support the United Nations Development Fund for Women, United Nations Action Against Sexual Violence and the DPKO in the development of an analytical inventory for peacekeepers to respond to conflict-related sexual violence. The inventory was launched here in New York last week.

As noted by the Joint Special Representative for the African Union-United Nations Hybrid Operation in Darfur, Mr. Gambari, at the recent General Assembly thematic debate on peacekeeping, regional organizations have a critical role to play in peacekeeping efforts. Australia has been pleased to work with the African Union (AU) to assist with the consideration of draft operational guidelines on the protection of civilians for AU peace support operations.

Despite some of the positive normative developments, which have been explained to us, to support the ability of peacekeepers to protect civilians when mandated as part of a peacekeeping operation, the deteriorating situation on the ground, which has been plainly made clear to us, means that there is still very significant work that needs to be done to ensure that what we think is a shared understanding of what the protection of civilians means actually does result in improved conditions for civilians on the ground. The drawdowns in recent peacekeeping operations have been highlighted by many speakers today. Both the Council and the host Government have critical roles to play in ensuring that civilians are protected, including during mission drawdowns.

For its part, the Council must clearly articulate its expectations of the peacekeepers it mandates to protect civilians. Peacekeepers on the ground are asking unambiguously for that clarity and that guidance, which does not necessarily mean the development of even more lengthy, detailed or intricate mandates. In turn, the development of measurable benchmarks will go a long way towards ensuring the implementation of the mandate and towards the management of expectations.

As we look to the future, we are encouraged, I have to say, by the work under way to develop a strategic framework and the mission-wide strategies, which is a marked improvement on the tools available to implement protection of civilian mandates a decade ago. But we must not lose sight of the reality that those developments will be of very limited value without direction from the Security Council itself and without the support of Member States to ensure that all those involved in the formulation, development and implementation of peacekeeping operations that have protection of civilians mandates have the guidance, the training and the resources necessary to ensure that peacekeeping lives up to the expectations that all of us here share.

To conclude, peacekeeping is one tool to improve the lives of civilians affected by conflict on the ground, and peacekeeping missions obviously have a very special responsibility for the physical protection of civilians. It is therefore critical that we continue to support those endeavours and, frankly, do a better job in doing that.

The President: I give the floor to the representative of Bangladesh.

Mr. Mahmood (Bangladesh): Let me begin by congratulating Nigeria on its assumption of the presidency of the Security Council for the month of July. I thank you, Madam President, for convening this important meeting. Allow me also to express our sincere thanks to the Secretary-General for his insightful briefing this morning. My delegation also commends the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes, and the High Commissioner for Human Rights, Ms. Navanethem Pillay, for their comprehensive briefings this morning.

Civilians continue to suffer the brunt of violence during armed conflicts. Civilians are displaced from their homes and are often denied access to life-saving food, medicine and shelter. It is against this backdrop that the States Members of the United Nations pledged in the Millennium Declaration "[t]o expand and

strengthen the protection of civilians in complex emergencies" (*resolution 55/2, para. 26*).

Protection for civilians is a basic principle of humanitarian law. Civilians not taking part in the fighting must on no account be attacked and must be spared and protected. The 1949 Geneva Conventions and their 1977 Additional Protocols contain specific rules designed to protect civilians. In situations that are not covered by these treaties, in particular internal disturbances, civilians are protected by the fundamental principles of humanitarian law and human rights law.

The Council has been discussing this important issue for more than a decade and has adopted many resolutions and heard strong and relevant statements by distinguished representatives. However, ironically, a large number of civilians continue to be exposed to the atrocities of conflict. My delegation urges all parties to conflicts to ensure the protection of the lives and property of civilians. My delegation condemns all violations of international humanitarian and human rights law and stresses the need to combat impunity, safeguard access for humanitarian assistance, and protect the safety of humanitarian aid workers.

Peacekeeping operations are one of the most important tools available to the United Nations to protect civilians in armed conflict. The Security Council's thematic resolution 1894 (2009), the updated aide-memoire (see S/PRST/2009/1, annex) and the inclusion of protection activities in the mandates of United Nations peacekeeping missions have been important steps forward. However, at the same time, the gap between the words of the protection mandates and their actual implementation persists. In this regard, my delegation would like to re-emphasize the importance of the principle of the responsibility to protect, as endorsed in the 2005 World Summit Outcome Final Document (resolution 60/1) in preventing harm to civilians in armed conflict.

The vulnerable situation of civilians in post-conflict societies needs special attention. Long after the guns have fallen silent, such people remain traumatized and permanently scarred by the brutalities of war. If peace is to be sustained, they must be rehabilitated and reintegrated into their communities more effectively, and the perpetrators must bear the resultant cost.

The presence of uniformed female personnel may play a pivotal role in protecting civilians in armed conflict. I take this opportunity to refer to the efforts of the all-female Bangladeshi police contingent working in the peacekeeping mission in Haiti. We believe that a female police force could also play a critical role in a State's ability to protect its citizens.

Finally, we would like to mention what my delegation considers to be two overarching themes for the protection of civilians in armed conflict. The first relates to prevention and the building of a culture of peace. Prevention is at the heart of protection. The preventive capacity of the Organization must be enhanced. At the same time, Member States need to take steps to inculcate the values of peace, tolerance and harmony that contribute to long-term prevention.

The second theme is that of coordination among all stakeholders. We believe that the protection of civilians is the primary justification for a United Nations presence in the field. However, despite some improvements, various political, humanitarian, military and development components of United Nations missions in the field still lack an integrated focus on the protection of civilians. My delegation stresses effective coordination, particularly among the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the Department of Peacekeeping Operations and the Department of Political Affairs.

In conclusion, my delegation expresses its grave concern over violations and breaches of international law, including international humanitarian law. For example, the total disregard and rejection of humanitarian and international law and values being committed in particular by occupation forces in the occupied territories of Palestine for years are a disgrace to humanity. My delegation strongly urges the international community, particularly the Council, to take effective steps to ensure respect for and compliance with the Geneva Conventions in such situations.

The President: I now give the floor to the representative of Peru.

Mr. Gutiérrez (Peru) (*spoke in Spanish*): Allow me first of all, Madam President, to express my delegation's profound gratification at seeing you preside over the Security Council this month. I should also like to thank you for having promoted the

convening of this open debate, and to express the Peruvian delegation's appreciation to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, and Ms. Pillay, High Commissioner for Human Rights, for their comprehensive briefings on the topic that brings us together today for this open debate in the Council.

For 11 years, the Security Council has been seized of the matter of protection of civilians in armed conflict. In that time, important progress has been made, such as the establishment of the Security Council group of experts on the protection of civilians, whose contributions have been reflected in numerous Council resolutions. We have also seen the adoption of important resolutions and presidential statements that have had an impact on matters of primary concern in the realm of the protection of civilians in contemporary conflicts.

While such progress is an important starting point, its value is relative if it is not manifested in tangible improvements in the protection of civilians on the ground. We believe it important to continue to strengthen the necessary interaction between the Office for the Coordination of Humanitarian Affairs and the Security Council. We also believe it essential to fully implement resolutions 1296 (2000) and 1674 (2006), which define the essence of this debate, which is the responsibility of all Member States to protect civilian populations in armed conflict.

Along these lines, we believe it necessary, based on the Secretary-General's report A/63/677 on the implementation of the responsibility to protect — which recognizes the principal role of States in protecting their populations from, among others, war crimes — that we continue to focus on pillars one and two: the responsibility to protect incumbent on States; and international assistance and capacity-building.

Also, in its resolution 63/125, entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts", the General Assembly affirmed the need for more effective implementation of international humanitarian law. We hope that the discussions held in the Sixth Committee at the sixty-fifth session of the General Assembly will promote substantive progress that ensures the full implementation of international humanitarian law.

Peru firmly supports programmes and policies that promote the prevention of violence, and in particular those that protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, as well as other forms of violence that arise in armed conflict. In this context, we insist on the need for the full implementation of resolution 1325 (2000) to ensure that serious cases of rape and other sexual violence do not go unpunished. We consider it a priority that States assume the responsibility to ensure that justice is served and that responsible parties are punished, as part of a central focus on national reconciliation that all should emphasize.

I would like to underline that Peru is party to the Rome Statute of the International Criminal Court, which establishes in its articles 5 and 9 the Court's jurisdiction to judge war crimes in international and domestic armed conflicts. In that respect, Peru has complied with the requirement to incorporate into its domestic legislation measures for cooperation with the Court in order to ensure that responsible parties are effectively tried. I further wish to underscore that at the Review Conference of the Rome Statute in Kampala, Peru, together with the Netherlands, coordinated the process of presenting pledges to strengthen States' commitment to the fight against impunity and the principles and purposes of the Rome Statute.

Peru reiterates its firm support for the promotion of respect for international humanitarian law and efforts to encourage compliance by all parties to armed conflict, in particular non-State armed groups. We also believe that civilian protection must be strengthened in order to make peacekeeping operations and other missions more effective. In this context, I would like to highlight that my country is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Times of War and to the Additional Protocols on the protection of victims of international and non-international conflicts, which together form the cornerstone of international humanitarian law in the area of protecting civilians. In that regard, we call on all States that are not yet parties to these instruments to accede to them as soon as possible.

Furthermore, at the Thirtieth International Conference of the Red Cross and Red Crescent, Peru made a series of pledges relating to the effective implementation of international humanitarian law and the protection of civilians in armed conflict and other situations of armed violence. Allow me to note a number of the efforts of the International Committee of

the Red Cross in its difficult task of disseminating international humanitarian law and protecting civilian populations in armed conflicts. These efforts include such events as the annual seminar for officials accredited by the United Nations, which is an important tool in this undertaking.

Regarding access to humanitarian assistance in armed conflict, my delegation is convinced that parties to a conflict and third-party countries should strictly comply with their obligations to allow and facilitate the rapid and unhindered transit of shipments, equipment and rescue personnel, and to encourage States to foster respect for basic humanitarian principles. We are convinced that concrete actions would give new momentum to the protection of civilians in armed conflicts.

Finally, we must recognize that if we are to strengthen the protection of civilians in post-conflict situations, we must initiate resolute actions to rebuild and then strengthen institutions and the rule of law in affected countries, and stabilize economic conditions through development strategies. Those would be crucial steps towards consolidating any comprehensive effort for peace and development that would serve to effectively combat poverty and social exclusion — problems that are often at the heart of the internal armed conflicts that we strive to prevent. As a member of the Peacebuilding Commission, my country has been contributing to achieving that goal.

The President: I call on the representative of Pakistan.

Mr. Haroon (Pakistan): Please accept my felicitations, Madam President, on your assumption of your very important office and for your able stewardship in convening this very important debate.

We have carefully listened to the briefings of the Secretary-General and Mr. John Holmes, the Under-Secretary-General heading the Office for the Coordination of Humanitarian Affairs (OCHA). We bid him a fond farewell and commend the very good work he has done in his tenure. It is a thankless job. Of course, we wish him the very best in his next appointment. I also wish to thank Ms. Navanethem Pillay, High Commissioner for Human Rights.

At the outset, let me state unequivocally that the Government of Pakistan condemns attacks on civilians under all circumstances. It is indeed an abominable act that cannot be justified under any circumstances. That was rightfully reflected in Mr. John Holmes' submissions.

Pakistan is very proud of being one of the largest troop-contributing countries to United Nations peacekeeping missions and is fully engaged in this important debate on the protection of civilians in armed conflict. However, there have been some references made that are perhaps somewhat out of context and might have been better viewed in perspective, as I shall explain in a while.

As we debate the subject of the protection of civilians in armed conflict, we understand, or should understand, that this is not a debate on the protection of civilians in all situations. There are some strict applications and criteria. Perhaps we should have heard more mention of parts of the world where innocent people continue to suffer because of their inability to exercise their right to self-determination and the lack of judicial succour. Maybe the mention of the attack on the humanitarian flotilla in international waters off the coast of Gaza, which was an act of wilful intent, and the continuing violations in Palestine could have been portrayed a little better. But as far as we are concerned, we have the very difficult task of eliminating the scourge of international terrorism from our territories and of protecting not only ourselves but the world.

I think that the two comments made about Pakistan — one on the aspect of thousands of civilian conflict dead, where we are bunched together with Gaza, Sri Lanka, the Democratic Republic of the Congo, Afghanistan and Somalia; and the other on the 1.8 million displaced people in Pakistan, although it has been stated quite clearly that many have since returned — need a little more explanation.

First, the world is calling upon us all the time to take on international terrorism in the boundary regions so widely mentioned in the document before me. We have to go along with the international community. But I think that document rightly says that, whereas in Swat and in South Waziristan there were at one stage nearly 1.8 million people displaced, they were not in fact displaced. They were asked to leave the areas before our militaries moved in with complete international backing to rid the areas of the miscreants creating world terror. The fact is that they went out voluntarily and that OCHA did a really good job in looking after them, as did many other institutions and

the Government of Pakistan. Less than a few hundred thousand were actually in camps set up by OCHA; the others were in fact looked after by our own people and the Government. The fact that they went back at such a fast rate is perhaps a reflection of the fact that they were kept out of harm's way. They could have suffered awfully, but we brought them out despite the fact that our doing so perhaps gave a lot of leeway for the terrorists to slip away. But we took that option because it was the right one. We had to protect our people. By the grace of God, we have been able to see a lot of them back in the various parts from which they came. In my mind, that is vindication that we have tried our level best and succeeded in keeping civilians out of harm's way.

Pakistan is a functioning democracy with a very strong, rejuvenated judiciary that is pursuing *suo moto* any contradiction of humanitarian acts or matters in a very activist manner. That is being done at the highest possible forums, even up to the supreme judiciary level. We are determined to achieve the protection and promotion of the human rights of all our citizens. That objective has the fullest support not only of our people, but also of the international community.

We are very concerned about attacks on humanitarian actors, and we are committed and continue to provide all possible protection and security to humanitarian actors working in Pakistan. We have often succeeded in retrieving those who were kidnapped. Many hundreds of our own security personnel have given their lives to protect humanitarian actors. I cannot underscore that more strongly than I am doing now.

Let us not underestimate our constraints, of which the Council is aware, or let our will and sacrifice be undermined by being included in dissimilar country groupings. We have our own particular situation. Obviously, we ask for the Council's indulgence and understanding. But believe me, as far as we are concerned, we will do anything to protect our civilians, and yet relentlessly pursue all those who try to make the world an unsafe place.

The President: I give the floor to the representative of Norway.

Mr. Michelsen (Norway): We appreciate this opportunity to take the floor on the protection of civilians in armed conflicts, and we thank Nigeria for organizing this debate. We also thank the Secretary-General, Under-Secretary-General Holmes and High Commissioner Pillay for their informative briefings. We echo previous speakers in expressing appreciation for the work of Emergency Relief Coordinator John Holmes over the past three and a half years, and we commend him for his unstinting efforts during his tenure.

Over the past 10 years, the United Nations, including the Security Council, has succeeded in raising awareness on the need for enhanced protection of civilians. Through these efforts, new humanitarian normative standards have been developed and the protection of civilians is now quite rightly seen as an integral part of our common security agenda. Nonetheless, we are seeing a continuing increase in violations of international humanitarian law. In too many conflicts, we are witnessing an erosion of the protection that civilians are entitled to under international humanitarian law, and we are observing a widening of the definition of legitimate targets and a too-liberal interpretation of the rule of proportionality. Furthermore, we are witnessing deliberate attacks on civilians, as well as armed non-State actors using methods that run counter to international humanitarian law.

The landmark adoption of resolution 1894 (2009) last November reaffirmed the Council's commitment to the protection of civilians. I would like to make four points in this regard.

First, on the application of international humanitarian law, recent conflicts, such as those in Gaza and Sri Lanka, are characterized by unacceptably high numbers of civilian victims and widespread destruction of civilian infrastructure. There is now an urgent need to work towards greater respect for international humanitarian law, including through the Security Council. In particular, there is a need for an open and frank discussion on how the law should be implemented in order to provide adequate protection for civilians affected by armed conflict. Norway, together with France and the International Committee of the Red Cross, have initiated a process to facilitate such a discussion with the aim of strengthening the implementation of international human rights law in today's armed conflicts.

Secondly, on the protection of children in armed conflict, Norway welcomes the Security Council's development of an increasingly strong protection

framework for children in armed conflict, most recently through its resolution 1882 (2009). Such a framework is key to the protection of civilians and to strengthening the rule of law in conflict situations. Still, the lack of decisive action against persistent perpetrators, as well as accountability measures to fight impunity, continue to limit the effectiveness of those efforts.

Norway is encouraged by the Security Council's expressed readiness to impose targeted measures against persistent violators of international law who recruit, sexually abuse, maim and kill children in war. We support the Secretary-General's proposals to include the recruitment and use of child soldiers in the mandate of all sanctions committees and to improve the flow of information between the Working Group on Children and Armed Conflict and the relevant sanctions committees.

Thirdly, on the protection of women and armed conflict, it is of particular concern that women continue to be targets of sexual violence in conflict, as stressed in previous speakers' references to the Democratic Republic of the Congo. Our top priority must be to end the vicious cycle of impunity. We must therefore provide justice for survivors, punishment for perpetrators and effective deterrence for the future. For war-affected women, justice delayed is more than justice denied — it is terror continued.

Abuses against women tend to continue unchecked when they are not properly dealt with during peace negotiations and in post-conflict situations. We must thus continue to enhance women's active participation in conflict resolution, peace processes and peacebuilding.

Norway builds civilian peacekeeping capacity in Africa, together with our African partners. In our experience, a field-based approach, innovative use of existing resources, and local support and ownership are necessary elements in strategies to protect civilians in mission areas. We welcome the practical inventory launched by the United Nations Action Against Sexual Violence in Conflict and the Department of Peacekeeping Operations (DPKO) on 30 June, entitled "Addressing Conflict-Related Sexual Violence — An Analytical Inventory of Peacekeeping Practice". This document captures best practices and represents the first-ever review of efforts by uniformed peacekeepers to prevent, deter and respond to widespread and systematic sexual violence.

Finally, on punitive measures, Norway stands ready to support efforts to increase accountability. Warfare conducted in violation of international humanitarian law should carry a strong political stigma. We support work currently undertaken by DPKO to develop guidelines for investigating sexual and gender-based violence in United Nations mission areas. Effective investigation, prosecution and punishment are key elements of broader efforts to end impunity for such crimes.

We look forward to the Secretary-General's report on the protection of civilians in November, and we sincerely hope that it will show progress on the implementation of resolution 1894 (2009).

The President: I give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): I congratulate you, Madam President, on your assumption of the presidency of the Security Council and wish you every success in executing your tasks.

The debate on the protection of civilians in armed conflict continues to evoke concern and controversy. The Bolivarian Republic of Venezuela believes that the State bears or should bear the primary responsibility for the protection of civilians and the prevention of violations of human rights or humanitarian law during armed conflict that should be condemned in all instances.

I wish briefly to refer to the protection of civilians in armed conflict in the framework of peacekeeping operations and their mandates. The consent of the parties, impartiality and the non-use of force are guiding principles for such operations and must be preserved. On other occasions, we have insisted that any strategy for protecting civilians must systematically address the causes that led to a conflict, including discrimination, poverty, injustice and a lack of channels for the peaceful settlement of disputes.

A functional political system founded on social justice, dialogue and coexistence is very important to conflict prevention. Under the Fourth Geneva Convention, the State or parties to the conflict has or have the primary responsibility of protecting civilians. The responsibility of peacekeeping operations is

limited to specific and limited occasions when it becomes necessary to protect the physical safety of civilians when there is a real danger of loss of life, and always in the context of a deployed mission or when humanitarian assistance is needed.

However, based on recent experiences, international interventions in such cases are of increasing concern. Discrepancies persist in the manner, timing and advisability of undertaking military interventions, and in identifying who is authorized to undertake them.

Great world Powers have sought to invoke seemingly noble concepts for political or military interventionist actions that undermine sovereignty. For that reason, the concept of the responsibility to protect has not attained the consensus necessary to become an instrument for the protection of civilians in armed conflict. In some cases, certain States may be accused of violating human rights, whereas world Powers may undertake actions leading to coups, territorial splintering and social and economic crises. The fact that a domestic conflict has been created or stimulated from beyond its borders is obfuscated.

Those who create and encourage such crises are the ones who must be condemned and punished. Not infrequently — and history provides plenty of examples — an international intervention ends up supporting those who breach and violate human rights. Foreign interventions thereby undermine the sovereignty of States. At other times, conflict situations are ignored if it does not suit transnational interests to provide international solidarity, as the State violating human rights acts as the intermediary for those interests. Some Powers brandish rhetoric of humanitarianism and human rights, but they undermine and distort the true nature of those rights. The case of Iraq is emblematic of that.

In recent decades, we have seen a succession of various concepts and categories that tend towards neo-colonial domination. We understand the reasons why many countries of the South would identify with a concept such as the responsibility to protect, for instance. We understand their concerns, since international solidarity is essential. But international solidarity is one thing and intervention in order to dominate is another. We must show a common front for solidarity and unite to reject intervention that oppresses peoples. We must reject the concept of the responsibility to protect, for it disguises the violation of sovereignty in order to promote neo-colonial interests.

When it comes to providing support to a people, there is near unanimity as to the serious violation of human rights and international humanitarian law by the State of Israel through its occupation of Gaza. Why do we not then protect the Palestinian people and decisively help them to become a sovereign State?

The financial leadership that currently governs the world is predicated on increased military expenditures, financial speculation and economic policies that foster the recessive trends being experienced throughout the world. That crushing reality produces wars and poverty and the destruction of the planet and of sovereignty, human rights and democratic systems. That is the basic cause of conflicts. It is up to the United Nations to consistently implement, for the benefit of peoples and not the interests of the powerful, the Charter and the other legal instruments and resolutions that sovereign States have established through the years for the good of humankind and the planet.

The President: I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): Allow me to congratulate you, Madam President, on Nigeria's assumption of the presidency of the Security Council for this month and to commend the delegation of Mexico for its outstanding efforts during its presidency of the Council last month.

I also wish to express our gratitude to the Council for convening this meeting on the protection of civilians in armed conflict, in particular at such a critical time of unprecedented violations of the rights of the Palestinian people in general, and in particular those in the Gaza Strip. Those violations stem from Israel's barbaric aggression, which includes the ongoing blockade of Gaza, preventing the arrival of humanitarian assistance for civilians and attacks on ships and international peace activists transporting that aid.

Before I continue with my statement, I would like to thank Under-Secretary-General Sir John Holmes of the Office for the Coordination of Humanitarian Affairs for his efforts to implement international humanitarian

law at a time when serious crises hampered that goal in various regions of the world.

The awakening of the human conscience in sympathy for civilian suffering resulted in legal developments that led to the establishment of the United Nations and various international instruments aimed at stopping and preventing war, ending foreign occupation and promoting the use of law to resolve international disputes and address the protection of civilians in armed conflict. First among those was the Geneva Convention relative to the Protection of Civilian Persons in Time of War, followed by a number of Security Council resolutions.

Despite those developments, we continue to see situations on the ground that uphold double standards — often in defence of the violation of international humanitarian law instead of protecting it. In fact, the gap between the letter of the law and its application on the ground is increasingly widening.

We are concerned by the fact that some statements by representatives of Member States in connection with deliberations on the protection of civilians in conflict situations at times display a selective understanding of the issue that is contrary to the provisions of international humanitarian law. We are also concerned by the fact that some seek to transform the suffering of civilians in certain areas of armed conflict merely into a contentious academic debate. That does not help to alleviate the suffering of civilians.

I would like here to raise some of the same questions that many other Member States have asked. Are not the 12,000 prisoners held in Israeli jails civilians? Are not the Syrian inhabitants of the occupied Golan Heights civilians? Are not the more than 500 killed and injured as a result of Israeli mines planted in the occupied Golan Heights civilians? Do they not deserve protection? Are not those who daily face the most severe violations of their rights in the occupied Arab territories civilians? Are not the children, women and older persons who are deprived of more than 7,000 basic commodities, including chocolate, mayonnaise and other necessities, civilians? And not the people of occupied Jerusalem, whom the Israeli occupying authorities are daily expelling from their houses and their occupied city, civilians?

Were not the Lebanese who were killed by Israeli forces while seeking protection in United Nations facilities in Qana in 1996 civilians? Were those civilians launching rockets against Israel as they sought refuge in the United Nations compound? Or were United Nations forces in Qana and Gaza using those civilians as human shields? The same questions could be asked with regard to Palestinian civilians who were killed by attacking Israeli forces in Gaza during the aggression of 2008 and 2009 as they sought shelter in the schools of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in the Gaza Strip.

The Security Council adopted resolution 1894 (2009) on the occasion of the tenth anniversary of the Council's consideration of the issue of the protection of civilians in armed conflict, and two years after the Israeli aggression against the Gaza Strip and its civilian population. Since the adoption of that resolution, with which the Council has systematically dealt with on a daily basis, the Israeli aggression against the rights of civilians in Gaza has continued.

Those violations are in evidence in the blockade and in the hunger and injustice that prevail there. To date, the United Nations as a whole, including the Council, has failed to ensure the entry of basic materials necessary to rebuild UNRWA schools destroyed by Israel, in spite of the fact that resolution 1894 (2009) urged the parties to take all necessary measures to respect the rights of civilians, protect them and provide for their basic needs.

In addition to continuing to refuse to comply with that and previous resolutions, Israel is also continuing its aggressive policies against Palestinian civilians. Those include the blockade, the closing of crossing points, detentions, denial of the freedom of movement, refusing to allow students to receive medical treatment and obstacles to the flow of international assistance, not to mention the deplorable conditions of civilians in the West Bank and the Golan Heights.

Israel's actions have even affected humanitarian activists of various nationalities from the freedom flotilla, who attempted to provide assistance to the people of Gaza. Israel confronted the flotilla with acts of aggression that led to the death of nine civilians, who were only guilty of trying to provide medical and humanitarian assistance to people subjected to a blockade. All the requests, resolutions and international calls have failed to alleviate their suffering.

We do not know how much longer we can turn a blind eye to Israel's inhuman actions, which constitute a unique case of systematic wholesale violation of every principle, norm and law enshrined in international agreements. The United Nations Fact-Finding Mission on the Gaza Conflict, headed by Justice Richard Goldstone, has in its two reports provided compelling evidence of Israel's violation of the Universal Declaration of Human Rights and international humanitarian law during its aggression on Gaza. As described by Justice Goldstone himself, those violations could be considered as war crimes and crimes against humanity.

We wonder about the Council's response to all the facts contained in an international report accepted by the Human Rights Council and the relevant United Nations agencies, as well as about its response to the hundreds of reports and conclusions by other international fact-finding commissions and Special Rapporteurs, such as Richard Falk, Jean Ziegler and John Dugard, among others.

The same war crimes committed by Israel against Palestinians have also been committed against the Syrian people of the occupied Golan Heights. They are therefore dual crimes, and the Council should deal with them appropriately. We say they are dual because, as we all know, Israel annexed the occupied Syrian Golan Heights and Jerusalem despite the existence of two Council resolutions condemning that annexation and requesting Israel to abolish all legislation imposed on the two occupied territories.

Israel is continuing its oppression of the civilian Syrian population of the occupied Syrian Golan, detaining them in prisons without any legal grounds and in violation of all legal and moral principles. In essence, they have been placed under house arrest. For example, house arrest was imposed for years against Fahd Shokir, a two-year-old child, under the pretext that he had been born outside Israeli territory while his parents were studying in Syria.

In order to give credibility to this debate, Syria calls upon the Council to compel Israel to allow without delay the resumption of visits by Syrian citizens to residents of the occupied Syrian Golan through the Quneitra crossing. We have addressed messages in that regard to the Secretary-General, the President of the Security Council, the President of the General Assembly and the relevant international Governmental and non-governmental organizations. We hope that they will translate into deeds the statements that we have heard during this and other meetings. Will the Security Council move from debate and declarations to committing itself to the implementation of its promises and resolutions? That is the question with which I wish to conclude my statement.

The President: I now give the floor to the representative of Colombia.

Ms. Blum (Colombia) (*spoke in Spanish*): Allow me to congratulate you, Madam President, for your work as President of the Security Council for this month, as well as to express our appreciation for the convening of this debate. We are grateful for the briefings made by the Under-Secretary-General for Humanitarian Affairs and the High Commissioner for Human Rights. My delegation would also like to express special appreciation to Under-Secretary-General John Holmes upon the end of his tenure to strengthen the humanitarian work of the United Nations.

The establishment of more concrete conditions for the protection of civilians and the enjoyment of theirs rights in the face of the violence committed by illegal armed groups is a priority for Colombia. The Government of my country has concentrated its efforts in reinforcing and ensuring the rule of law throughout our territory by implementing our democratic security policy. After eight years of implementation of that policy, we can assert that we have helped to reduce the gap between the formal recognition of rights and their effective implementation.

Strengthening democratic authority and State control over its territory have resulted in a dramatic reduction of all acts of violence and crime that deprive citizens of the enjoyment of their rights. In addition to those efforts, we have put in place a comprehensive policy on human rights and international humanitarian law, which includes effective preventive measures and ensures appropriate penalties in case of possible violations, including those involving members of the public security forces. An essential component of that effort by the Colombian Government has been the collective and individual demobilization of 51,407 members of illegal armed groups since 2002. That process, embodied in special legislation, has allowed

for the implementation of principles of justice, truth and redress for victims.

Assistance to displaced persons continues to be one of the areas requiring greater attention from the Colombian State, and it poses ongoing challenges. To address them adequately, we have a legal and institutional framework and a comprehensive care policy for displaced persons, including humanitarian approaches to rights and social and economic integration. The allocation of resources to this policy significantly increased from 2007 to 2010, reaching annual averages of over $500 million from the national budget.

This framework has been strengthened recently, given the needs on the ground and its established objectives. To this end, modifications were made to the policy components of prevention and protection; comprehensive assistance; truth, justice and redress; and the return or resettlement of displaced persons. The implementation of public policies in this area takes due account of the different needs of people according to gender, ethnicity, age or disability. We have also designed mechanisms to ensure the effective participation of the displaced population through the adjustment, restatement or enhancement of public policies. Additionally, efforts have been made to coordinate programmes defined at the national level with those carried out by regional authorities at the local level, seeking to ensure that the regions adopt and coordinate the necessary measures in terms of budget and institutional capacity to assist the displaced population.

Colombia reaffirms its commitment to the Cartagena Action Plan adopted at the second Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction in December 2009. My country has undertaken a high-level presidential programme that coordinates and supervises the activities of the institutions responsible for implementing the Ottawa Convention.

The Colombian population has experienced the dire consequences of anti-personnel mines planted by illegal armed groups. The Government is working intensively on prevention and humanitarian demining. It also supports the affected communities through the recovery of productive lands, the return of their inhabitants, the reconstruction of the public services network, and physical and psychological rehabilitation aimed at facilitating the full social and economic reintegration of the victims.

Colombia reaffirms its support for efforts to protect civilians and ensure their rights, in conformity with the Charter of the United Nations and international legal norms. The activities of the Government of Colombia are guided by the essential premise that the primary responsibility for the protection of civilians rests with each State. Consequently, each State may turn to international support when necessary. In this context, the United Nations and the international community in general have a supporting role to play in the strengthening of national protection efforts.

My delegation wishes to stress the importance for the humanitarian system, in observing the principles that govern its actions, to avoid circumstances that could compromise the neutrality, impartiality and independence of its work. These principles are of particular significance in the case of possible contact of humanitarian actors with illegal armed groups. The recommendations concerning such contact must take national contexts into account when their viability is assessed on a case by case basis, taking fully into account the decisions of the democratically established authorities.

The Government of Colombia reiterates the commitment of its democratic institutions in consolidating the protection of the population against the actions of illegal armed groups. We reiterate our call on the international community to vigorously condemn the crimes committed by these violent groups against Colombians.

The President: I give the floor to the representative of the United Republic of Tanzania.

Mr. Seruhere (United Republic of Tanzania): I thank you, Madam, for convening this meeting on the protection of civilians in armed conflict. We thank the Secretary-General for his statement and Under-Secretary-General John Holmes and High Commissioner for Human Rights Navanethem Pillay for their briefings. We wish Mr. Holmes every success in his new endeavours.

We associate ourselves with the statement of Uganda in the spirit of the East African Community

and the Pact on Security, Stability and Development in the Great Lakes Region, both of which are keenly focused on protecting civilians in armed conflicts.

The United Republic of Tanzania is profoundly committed to the protection of civilians in armed conflicts. We consider the protection of civilians in armed conflicts to be a fundamental human right and critical to the legitimacy and credibility of any United Nations peacekeeping mission. This subject has been on the United Nations agenda for over 10 years ever since the Security Council got engaged in the protection of civilians in armed conflicts. We commend the Council for the achievements made so far in that regard, especially with the adoption of resolutions 1265 (1999) and 1296 (2000) and, most recently, resolution 1894 (2009).

Across the globe, we have seen violence and mass atrocities against helpless civilians who had hitherto placed all hope and trust for their protection in the United Nations, but in several cases never got it, as was witnessed in the Rwandan genocide of 1994, in the case of Bosnia and Herzegovina in 1995, and in the present Somalia, to mention but a few. In that regard and especially in conflict situations, it is and should be an absolute requirement for all actors and stakeholders — from the State to civil society, from belligerents to humanitarian organizations and from armed personnel to unarmed partisans — to work with the United Nations in the protection of civilians. No one should be allowed to shirk the responsibility to protect civilians in armed conflict, but since the United Nations was created and entrusted with the primary responsibility for the maintenance of international peace and security, it bears perhaps the greatest responsibility.

Armed conflicts and terrorism not only violate universal freedoms, but also cause insecurity to human society and instability to States. Above all, they retard the advancement of human civilizations and undermine the various initiatives for bringing prosperity through the United Nations and country partnerships. The United Nations and the international community cannot assist countries in attaining the Millennium Development Goals when armed conflicts and terrorism strike at will.

Only yesterday, the sovereign of the United Kingdom of Great Britain and Northern Ireland, Her Majesty Queen Elizabeth II, reminded the United Nations community that since the United Nations was created, prosperity and changes in human and social behaviour, as well as advances in technology, have arisen because the people wanted them. Well, they still want them. The Queen asked the United Nations to take leadership, not only to fight terrorism and climate change but also with more enthusiasm, inspiration and greater determination to bring peace, security, stability and prosperity to all of us. The protection of civilians in armed conflicts is indispensable if that is to happen.

The United Nations remains the lead agent for civilian protection and change, so the Security Council must provide the catalyst on a continuous basis with commitment and impartiality. In the same vein, donor nations and the international community must not shy away from their responsibility to support the attainment of global peace, security and prosperity through the protection of civilians, who are the producers of real wealth. In so doing, regional and subregional organizations and non-State actors should be brought on board to participate as stakeholders.

Recent United Nations-sponsored studies have shown that not all peacekeeping missions include the component of civilian protection in their mandates. However, that is very crucial if confidence-building measures are to succeed and if civilians are to be effectively involved in post-conflict reconstruction activities.

In that regard, two imperatives emerge. First, mandates for peacekeeping missions have to be reassessed with a view to including a mandatory provision to protect civilians and to spelling out benchmarks for its fulfilment. Secondly, as a rule of thumb and a matter of principle, the planning of missions by the Secretariat should, from its inception, involve troop-contributing countries and, where necessary, other actors and stakeholders to specifically cater for the protection of civilians, taking into consideration their interests and strategies, but without violating the sovereign rights of host nations.

The President: I now give the floor to the representative of Sierra Leone.

Mr. Kamara (Sierra Leone): My delegation wishes to pay special tribute to you, Madam President, for organizing this open debate of the Security Council to discuss the protection of civilians in armed conflict. I would also like to express our deep appreciation to the Secretary-General, Under-Secretary-General John

Holmes and High Commissioner Pillay for their perceptive remarks.

Sierra Leone welcomes this open debate on the protection of civilians in armed conflict, which has become one of the most valuable and indispensable tools available to the Security Council in addressing conflict challenges. The significance of this discussion cannot be overemphasized, but it is particularly important given that Africa is still home to a number of conflicts, making the challenges so real.

I would like to explicitly stress the nexus between the protection of civilians and transitional justice, especially when occasioned by default in the context of armed conflict, as the nature of war keeps changing, with conflicts increasingly interrelated, involving non-State actors and including the deliberate targeting of civilians.

It is important from the outset to recognize the significant strides made by the United Nations in addressing the immense challenges confronting the protection of civilians and the adoption of resolution 1894 (2009) of 11 November 2009 following a comprehensive review. Broadly speaking, those challenges include measures that can be taken to protect the safety, dignity, integrity and sanctity of all civilians in times of war, which are rooted in obligations under international humanitarian, refugee and human rights law. International humanitarian law lays down the minimum protection and standards applicable in a situation where people are most vulnerable in armed conflict. It aims to prevent situations that might exacerbate vulnerabilities, such as displacement and the destruction of civilian property.

On the specific question of mandates, I would like to preface our intervention by comprehensively looking at the situation in my country immediately following the United Nations troop hostage crisis in the eastern part of Sierra Leone. The initial mandate of the United Nations Mission in Sierra Leone was changed in 2000 to include, among other functions, assisting in monitoring respect for international humanitarian law, including at disarmament and demobilization sites, emergency relief and the repatriation of internally displaced persons and refugees.

Security and geopolitical situation during that period in Sierra Leone posed a very serious challenge to the concept of the protection of civilians. The atrocities committed by the warring factions accelerated the deployment of one of the largest peacekeeping forces in the history of the United Nations. That was necessary to protect civilians, who were left at the mercy of the rebels and their cohorts.

The new mandate also included the provision of security in and around disarmament and demobilization areas and facilitating the free flow of people, goods and humanitarian assistance. Although the mandate succinctly talked about the protection of civilians under imminent threat of danger, it did not specify how it should be done. Therefore, a mandate has to be very clear so as to leave no ambiguity. Today, most peacekeeping operations have the protection of civilians entrenched in the mandates given by the Security Council.

In his last report (S/2009/277), the Secretary-General urged compliance with international humanitarian law and human rights law, as well as international and domestic criminal law, by States and non-State actors alike. The provisions of international human rights law also demand that all belligerent groups respect the distinction between combatants and non-combatants, attack only military targets and use only the degree of violence proportionate to their military requirement, while taking due care to protect civilians and civilian infrastructure. Regrettably, the practices of warring factions lag well behind the legal requirements and the global culture of the protection of civilians.

The rational dimension of the protection of civilians is critical to the attainment of lasting peace. The Truth and Reconciliation Commission, the Special Court for Sierra Leone and other tribunals were established as instruments to combat impunity, thus holding responsible parties and individuals to account for serious violations, especially those considered to bear the greatest responsibility for violations of international humanitarian law.

Despite the systematic efforts made within the United Nations system to find ways to streamline and improve peacekeeping operations in tandem with the protection of civilians, there are still inherent challenges related to ambiguity over how the United Nations should intervene when its Members lack either the military force or, in some cases, the political will to halt all forms of carnage. Ultimately, the end-state objective of a peacekeeping operation should include protection mandates to help create an enabling

environment for the host nation to exercise absolute control in protecting its citizens.

Judging from my country's recent past, I would like to conclude by reaffirming Sierra Leone's interest in and commitment to addressing the challenges affecting the protection of civilians in armed conflict.

The President: I now give the floor to the representative of Azerbaijan.

Mr. Mehdiyev (Azerbaijan): At the outset, I would like to thank you, Madam President, for organizing this timely and important debate on the protection of civilians in armed conflict, and Under-Secretary-General for Humanitarian Affairs John Holmes for his presentation on the matter.

Azerbaijan aligns itself with the statement delivered today on behalf of the European Union. I would like to make a few additional remarks in our national capacity.

The engagement of the Security Council, including its adoption of resolution 1894 (2009), as well as resolutions on women and children in armed conflict, has increased attention to protection issues. Azerbaijan recognizes and welcomes the important implementation steps taken since the adoption of resolution 1894 (2009).

At the same time, civilians continue to suffer from inadequate protection in situations of armed conflict. A defining feature of most, if not all, conflicts is still the failure of parties to respect and ensure respect for their legal obligations to protect civilians. The heightened vulnerability of civilian populations in wartime — in particular forcibly displaced persons, refugees, women and children — brings an element of urgency to our efforts. In that regard, insistent measures aimed at ensuring strict compliance by parties to armed conflict with their obligations under international humanitarian, human rights and refugee law remain crucial and must constitute an absolute priority.

Particular consideration must be given to the implications for the protection of civilians in armed conflicts aggravated by population displacement and foreign occupation. The impact of conflict on housing, land and property, as well as forced demographic changes in such situations, require a more consistent approach to putting an end to illegal policies and practices and ensuring the safe and dignified return of displaced populations to their homes.

It is important that the recognition of the right to return, along with increased attention to its practical implementation and concrete measures aimed at overcoming obstacles preventing return, be applied by the international community with more systematic regularity. Ensuring the right to return constitutes a categorical rejection of the gains of ethnic cleansing and offers important measures of justice to those displaced from their homes and land, thereby removing a source of possible future tension and conflict.

The lack of agreement on political issues should not be used as a pretext for not addressing problems caused by continued and deliberate disrespect for international humanitarian law and international human rights law in situations of armed conflict and military occupation.

Therefore, we proceed from the importance of reaffirming, in regard to such situations, the continuing applicability of all relevant norms of international humanitarian law and international human rights law, achieving the invalidation of activities aimed at the consolidation of military occupations, initiating urgent measures to mitigating the adverse effects of such activities, and discouraging any further practice of the same or similar nature.

As far as the international responsibility for violations of international humanitarian law and human rights law is concerned, it is important to note that, in certain well-known instances, occupying Powers are responsible not only for the actions of their own armed forces and other organs and agents of their Governments, but also for the actions of subordinate separatist regimes illegally created by them in occupied territories.

Integral to the existing challenges is the need to ensure accountability for violations of international humanitarian law and human rights law, both for individual perpetrators and for parties to conflict. In recent years, important steps have been taken for the protection and vindication of rights and the prevention and punishment of wrongs. The punishment of crimes with an international dimension and scope has demonstrated how effective international justice can be when there is political will to support it.

It is important to emphasize in this regard that ending impunity is essential not only for the purposes of identifying individual criminal responsibility for serious crimes, but also for ensuring sustainable peace, truth, reconciliation, the rights and interests of victims and the well-being of society at large. To hold otherwise would be tantamount to accepting the consequences of breaches of the rule of law and human rights and thus to legitimizing the results of wrongdoings.

The President: I now give the floor to the representative of Sri Lanka.

Mr. Kohona (Sri Lanka): I join previous speakers in expressing appreciation to you, Madam President, for convening today's open debate and congratulate you on your assumption of the presidency. We also thank the Secretary-General for his statement and Under-Secretary-General John Holmes and the United Nations High Commissioner for Human Rights for their useful briefings.

My delegation believes that the protection task cannot be understood and addressed in humanitarian terms alone, as it requires focus and action on a multiplicity of different areas, ranging from politics to human rights to disarmament. The Security Council has considered the protection of civilians issue for over a decade. We can acknowledge that substantive results have been achieved in establishing a normative framework. The politicization and selectivity that characterize the debate have affected credibility. This has called into question our sincerity about concerns for the plight of civilians affected by armed conflict.

The normative framework on civilian protection cannot be applied in a theoretical manner, regardless of the circumstances. Our own past experience in dealing with a terrorist group that used the civilian population forcibly as a human shield to launch attacks on the armed forces should remind all of us of the challenges. While shielding themselves behind innocent civilians, they also succeeded in marshalling the support of their sympathizers abroad to stage massive demonstrations. Unfortunately, too many well-meaning persons were taken in by these cynical efforts to garner sympathy. Many of the rules of war are based on the presumption that the parties to the conflict are the conventional armies of responsible States, but terrorists totally disregard these laws and principles.

We also need to address the causes of th escalation of armed conflict. The proliferation of illic arms has contributed to the spread of violence an terrorism everywhere. Unless we are able to stop it proliferation, civilian safety will remain at stake, an our best efforts to deal with the humanitaria consequences of conflicts will soon exceed existin capacities and available resources.

Whilst measures can be imposed, albe selectively, on States legitimately engaged i protecting their civilian population from terrorist non-State actors such as terrorist groups, on the othe hand, have relatively easy access to illicit weapon This is because there is no dedicated internationa regime to conduct surveillance, let alone interdictio of such illicit arms trafficking. On the other hand external actors such as diaspora communities openl fund arms purchases aimed at destabilizing State whilst receiving support and protection in their hos countries, and their criminal agents cross internationa boundaries at will, unchecked.

There is also a need to recognize the legitimat role of the military in civilian protection, whilst we ca agree that it is not an exclusive role. It is noteworth that protective responsibilities are part of the mandat of United Nations peacekeeping forces, and the valuable contribution in this regard has been note More than 3,000 Sri Lankan peacekeepers are on th ground protecting civilians in challenging operationa environments.

The role of Governments in civilian protectio should be respected, as it is their primary responsibilit to protect their own citizens, especially in times o armed conflict. United Nations and other humanitaria agencies must support and assist Governments and, i doing so, be sensitive to the realities on the ground including by respecting the sovereignty of States. Th principle of unimpeded access for humanitaria personnel must be respected, but it cannot disregard th State's responsibility to ensure the safety and securit of humanitarian personnel, as terrorists do no distinguish between military and humanitaria personnel in their attacks. Calls for unimpeded acces in some situations are once again a clear case o applying theory without factoring in the realities on th ground. It must never be overlooked that, as in our ow experience, the military, often at a huge cost to it personnel, has to brave the dangers of terrorism t bring civilians out of harm's way.

Therefore, military and humanitarian personnel must seek to work in partnership, and their responsibilities towards civilians must be addressed through regular dialogue and consultation in places where civilian protection is at stake. Therefore, we should look at capacity-building measures for military personnel and peacekeeping forces to deal with civilian protection activities. The assumption that civilians can best be protected and cared for only by civilian humanitarian workers belies the training provided to our armed forces to respect humanitarian law at all times and to handle peacekeeping responsibilities. These are particularly pertinent given that we are dealing increasingly with internal conflicts.

An inevitable consequence of armed conflict is internal displacement. Internal displacement poses several challenges; key among them is that armed groups use displacement to exploit civilian populations, sometimes by masquerading among them. In this context, civilians have a right to be protected and the State has the primary responsibility not only to provide for the welfare of displaced civilians in terms of food, clothing, medical care and shelter, but also to ensure their safety in keeping with the provisions of the Guiding Principles on Internal Displacement. Unfortunately, ground realities are not understood or considered by those who look at civilian protection in isolation and apply generalizations regardless of the specific circumstances.

The resettlement issue is also politicized. In my country, we have resettled nearly 90 per cent of internally displaced persons within one year of concluding a 27-year conflict. Resettlement necessitated clearance of uncharted mine fields laid by the terrorist group in civilian residential areas, farmlands and roads. Whilst assistance for de-mining and resettlement is miniscule, there are those who hypocritically preach to us about the need for early resettlement.

The cost of armed conflict on civilians and the need for accountability is a matter of concern to all democratic and elected Governments, including our own. In this context, our Government established a commission of inquiry in May this year. Quite often and quite naturally, the focus on civilian casualties is centred on the loss of life and property damage caused in military operations, whilst insufficient consideration is given to the thousands of lives lost in suicide attacks on civilian targets by non-State actors. We have to devise means to also hold non-State actors accountable and to recognize the asymmetrical nature of conflicts where democratic States are confronted by ruthless terrorist groups that pay scant attention to the rules of war and challenge conventional armies on how best to protect vulnerable civilian populations.

My delegation hopes that the Council's discussion on the protection of civilians will facilitate practical decisions based on ground realities. The challenges facing us are primarily of a practical nature, requiring more international cooperation and greater coordination between the United Nations and Member States.

In conclusion, we would like to acknowledge the valuable contribution of the United Nations agencies, particularly the Office of the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs (OCHA), and other national and international partners in providing support and assistance to Government efforts for relief rehabilitation and the resettlement of the affected civilians. My delegation wishes to convey a special word of appreciation to Under-Secretary-General Sir John Holmes for the very constructive and supportive role he has played and for his excellent leadership of OCHA. We wish him well in all his future endeavours.

The President: I call on the representative of Armenia.

Mrs. Khoudaverdian (Armenia): I thank you, Madam President, for organizing this essential debate. At the outset, we would like to join previous speakers in thanking the Secretary-General for his briefing and in commending Under-Secretary-General John Holmes for his tireless and noble efforts and his exceptional contribution in systematically addressing this important issue in this Chamber. We wish him all the best in his future endeavours.

Armenia aligns itself with the statement made by the representative of the European Union. However, we would like to make some remarks in our national capacity.

The frequency with which the Security Council addresses this issue underscores the urgency of the matter and the need for the international community to fulfil its commitments to protecting civilians through the implementation of the provisions of international humanitarian law. Therefore, we share the views

expressed by the Council's members and other speakers, which call for more systematic attention to protection, and we believe that it should be frequently reflected in the deliberations of the Security Council. We also trust that increased efforts to fight impunity at the national and international levels are essential. Armenia therefore welcomes this opportunity to recap and reflect on the Council's past 10 years of experience in dealing with the issue of the protection of civilians and to highlight priority aspects for united practical actions.

In a lessons-learned process, this debate should also enable the Council to more effectively address specific concerns related to the protection of civilian populations. The Council has to send a clear message to all parties to armed conflicts, reminding them of their obligations and condemning violations of international humanitarian and human rights law.

It is unfortunate that, despite the existence of international legal instruments and normative mechanisms, innocent civilians — including women, children and elderly persons — as well as international humanitarian personnel, continue to suffer in conflict situations. We are convinced that, in order to address the situation, we must abandon selective approaches to violations of international humanitarian law. There must also be strict adherence to human rights standards. Armenia believes that the international community must effectively seek the thorough compliance of all parties with the norms of international humanitarian law.

The peaceful resolution of any conflict is not an easy enterprise and requires strong political will and painful compromises from both sides. We believe, however, that the time has come to replace the unchanged rhetoric of hollow allegations with constructive steps aimed at making the environment more conducive to peaceful settlement. Armenia remains committed to the peaceful resolution of conflicts and strongly believes that the fundamental solution of the problem can be achieved only by peaceful means based on the principles of international law.

We believe that the Security Council should further contribute to the strengthening of the rule of law and upholding the international law also by supporting criminal justice mechanisms. Undoubtedly, the prosecution of those responsible for these crimes continues to be an urgent matter. We strongly condemn deliberate attacks on and killings of civilians through the indiscriminate or disproportionate use of force, which is a gross violation of international humanitarian law in any conflict, in any part of the world.

The President: The representative of Lebanon has asked for the floor to make a further statement. I give him the floor.

Mr. Ziadeh (Lebanon): I take the floor to reply to the statement made by the Israeli representative regarding Security Council resolution 1701 (2006).

While reiterating its commitment to the full implementation of resolution 1701 (2006), which, inter alia, defines the role and mandate of the United Nations Interim Force in Lebanon, Lebanon would like to underline the fact that Israel is the party that is not abiding by its obligations under the resolution through its daily violations of Lebanese sovereignty. These violations have been documented in all of the Secretary-General's reports on the implementation of resolution 1701 (2006), the latest being that to be discussed by this Council on 14 July.

The President: I shall now give the floor to Mr. John Holmes to make a brief statement.

Mr. Holmes: Let me take the opportunity to thank all those delegations that have spoken in today's debate for their participation and the great commitment they have shown through that participation to the protection of civilians agenda, now and in the future. Let me also thank those who have sat through the debate this afternoon for ignoring the temptations of the World Cup. Let me also thank the many delegations that thanked the Secretary-General, myself and the High Commissioner for Human Rights on our initial presentations and on the role of the Office for the Coordination of Humanitarian Affairs (OCHA) and the Office of the United Nations High Commissioner for Human Rights.

Of course, many delegations also mentioned in very kind terms my own role. Let me say that I hope that this is my last statement to the Security Council, although because I still have almost two months of my mandate still to run, nothing is excluded in this rather uncertain world.

I was struck by the reference that was made, I think, by the representative of Bosnia and Herzegovina to the forthcoming anniversary of Srebrenica, which is

a very powerful reminder of exactly what we are talking about here. If we needed further reminders, today has seen further suicide bombings in Iraq, resulting in at least 35 civilian deaths amongst Shiite pilgrims in that country.

I noted the strong interest of many of those who spoke in the protection of civilians mandates in peacekeeping contexts, the particular value of the study that was commissioned jointly by OCHA and the Department of Peacekeeping Operations (DPKO) and, of course, the work that has been done since then to implement some of the recommendations of that report. I note the particular emphasis, which I also strongly welcome, on getting mandates of peacekeeping operations right in the first place and, in particular, on matching mandates to means and ensuring that expectations and resources for the protection of civilians are not too far removed from each other. Let me assure the Council that OCHA will continue to work with DPKO and the Department of Field Support in this area.

I also noted the worries that many delegations expressed, as I did myself, about the implications for the protection of civilians of the withdrawal of the United Nations Mission in the Central African Republic and Chad later this year and the potential withdrawal at some future stage of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). Again, let me assure delegations that we will continue to follow these questions very closely.

Let me respond very briefly to some specific points that were raised by delegations during the debate. The representative of United Kingdom drew attention to the difference between deliberate or indiscriminate attacks on civilians and those military actions where efforts are made to avoid civilian casualties but they nevertheless result. I agree that there is a difference between these two kinds of situations, and I understand the difference and the point that is being made. But of course, this does not justify the civilian casualties that are caused in an unintended manner, since the requirements of distinction and proportionality, which are basic to international humanitarian law, still have to be fully met in all cases.

I also appreciate the points made by the representative of Pakistan about the displaced in his country. Of course, a briefing of the kind that I gave this morning cannot do full justice to all the aspects and subtleties of any particular situation. I recognize the efforts that have been made by the Government of Pakistan to protect civilians, but the fact remains that, despite the returns that there have been in the past few months, there are still around 1 million people displaced in Pakistan, and that process of displacement continues.

There has been mention by several delegations of the relationship between the protection of civilians agenda and the responsibility to protect. These are, of course, linked but distinct domains and distinct initiatives, and it is important that they remain so. The protection of civilians is a much broader and wider concept, with wider application, whereas the responsibility to protect is very much focused on the four major crimes, and we need to bear those distinctions in mind.

A few speakers have mentioned the sensitive subject of engagement on humanitarian issues with non-State armed groups. Let me echo again the view that was expressed by the Secretary-General this morning that engagement with such groups is a critical element to ensuring compliance with international humanitarian law and especially with requirements to enable humanitarian access. I note that some States have suggested — or asserted — that their consent is a precondition to such engagement, even on humanitarian subjects. Of course, such consent is preferable, but let me point out that the first duty of States that are party to the Geneva Conventions is not only to respect international humanitarian law but also to ensure respect for international humanitarian law. I believe that this duty also includes the facilitation of engagement with non-State armed groups, again to enhance their compliance with international humanitarian law.

We are long past the days in which either the fate of civilians or the conduct of non-State armed actors can simply be seen to be beyond the proper purview of the international community, even if no one is putting in question, naturally, the sovereignty of nation-States. This is the reason why, as both the Secretary-General and I noted earlier today, that States need to distinguish between engagement with such groups for political purposes and engagement with such groups for humanitarian purposes.

On the related point of the applicability of international humanitarian law to situations where terrorism is being practiced, I must respectfully disagree with the idea mentioned by some delegations that counter-terrorism cannot be defined as armed conflict, and therefore subject to international humanitarian law, and that it is instead entirely a matter within a country's sovereign right. Naturally, Governments have the responsibility to protect their citizens, including against terrorist acts. Nevertheless, the rules of international humanitarian law, including the Geneva Conventions, apply not only wherever there is conflict between States in international relations, but also when armed hostilities involving non-State armed groups rise to levels of frequency or severity that go beyond that of sporadic violence, occasional riots or internal disturbances. Thus, facts on the ground that reflect conditions above these thresholds do trigger the application of the international humanitarian law of armed conflict, whether or not they also involve acts that can be characterized as terrorism.

Some delegations have also referred, as we have heard before in similar debates, to the difficulties of asymmetric warfare and of reconciling the protection of civilians with this kind of warfare — in other words, fighting non-State armed groups that often take advantage of operating from within the civilian population. Asymmetric warfare is not, in fact, quite as new of a phenomenon as it is sometimes portrayed. However, there is no doubt that it does increasingly characterize many of today's internal conflicts and pose significant problems for those trying to conduct such warfare. I recognize that systematic violations by one party to armed conflict in these situations create great challenges for other parties, especially when these violations themselves involve the principle of distinction and the use of civilians as human shields in one way or another.

But the point that I want to make is that such challenges and violations cannot and do not justify disregard of the rules of international humanitarian law by other parties to the conflict. Indeed, as I have argued before, they actually require the party to the conflict to take more care, and not less, to protect civilians in such hostilities, however difficult that may be.

Let me assure the representative of Sri Lanka that we do believe that non-State actors should be held as accountable for the acts they commit as member States are. Let me also assure him, in response to some of his comments, that we accept that the military can and does play a role in the protection of civilians. However, we also have to accept that it does not always play such a role, or does not always play such a role as well as it should, and I therefore agree with him that further training for military forces of whatever kind would be well worthwhile in this area. I also agree with him that the realities on the ground must be respected and taken into account in all these areas, but we must also start from principles such as unhindered access for humanitarian actors, or we shall be lost.

A lot of speakers have referred to the issue of accountability, as the Secretary-General, the United Nations High Commissioner for Human Rights and I did in our presentations. Several delegations have echoed the call for enhanced or more regularly available mechanisms to investigate violations of humanitarian law and human rights law in armed conflict. I take particular note, for example, of the recommendation of the representative of Argentina, that the existing International Fact-Finding Commission established under article 90 of Additional Protocol I to the Geneva Conventions be considered by parties to armed conflict as a neutral and independent body designed for this purpose. This is not a new idea, and I have to say that previous efforts to actually put it to practical use have not hitherto been successful. However, what is clear to me is that something more systematic, more automatic and less politicized than the system we have now would be well worthwhile.

On the question of accountability, let me also add that, while there is room for legitimate disagreement over the right process for any given situation, it does not seem to be acceptable that a Government minister in Sri Lanka should advocate blocking the activity of the United Nations in that country to put pressure on the Secretary-General over a legitimate decision that he has taken to establish an advisory panel. I trust that the assurances that we have received about the safety and freedom of United Nations staff in Sri Lanka will be fully restored or fully met, and that the Government of Sri Lanka will clearly dissociate itself from the call of one of its own ministers and reassert the normal Government doctrine of collective responsibility for Government policies.

In conclusion, let me once again thank all those who have spoken in this debate and contributed to it. I

think it was a very rich and worthwhile debate. Let me repeat, as this is probably my last word to the Council — although not necessarily, as I said at the beginning — my basic point that the gap between principle and practice, between norms and the reality on the ground, and between statements in the Council and how many States behave outside it is simply too wide at present to be acceptable. It must be bridged. If it is not, not only will the condition of civilians on the ground deteriorate, but so will the credibility of the Council and its members. Thank you again, Madam, for giving me the opportunity to respond.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.10 p.m.

United Nations S/PV.6355

Security Council

Sixty-fifth year

Provisional

6355th meeting
Friday, 9 July 2010, 9.30 a.m.
New York

President:	Mrs. Ogwu	(Nigeria)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Mr. Vukašinović
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	France	Mr. Araud
	Gabon	Mr. Issoze-Ngondet
	Japan	Mr. Takasu
	Lebanon	Mr. Salam
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. Çorman
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. Rice

Agenda

Letter dated 4 June 2010 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/2010/281) and other relevant letters

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

10-44279 (E)

Please recycle

The meeting was called to order at 9.40 a.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 4 June 2010 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/2010/281) and other relevant letters

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of Council members to document S/2010/281, containing a letter dated 4 June 2010 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council.

I wish to draw the attention of Council members to document S/2010/294, containing a letter dated 8 June 2010 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council.

I wish to also draw the attention of Council members to document S/2010/349, containing a letter dated 30 June 2010 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council, as well as to documents S/2010/343 and S/2010/358, containing, respectively, letters dated 29 June 2010 and 6 July 2010 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council.

After consultations among the members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council notes the letter dated 4 June 2010 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/2010/281), and the letter dated 8 June 2010 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of Security Council (S/2010/294).
>
> "The Security Council deplores the att on 26 March 2010 which led to the sinking of Republic of Korea naval ship, the *Cheon* resulting in the tragic loss of 46 lives.
>
> "The Security Council determines that s an incident endangers peace and security in region and beyond.
>
> "The Security Council deplores the loss life and injuries and expresses its deep sympa and condolences to the victims and their fami and to the people and Government of Republic of Korea, and calls for appropriate peaceful measures to be taken against th responsible for the incident aimed at the peace settlement of the issue in accordance with United Nations Charter and all relev provisions of international law.
>
> "In view of the findings of the J Civilian-Military Investigation Group led by Republic of Korea, with the participation of nations, which concluded that the Democr People's Republic of Korea was responsible sinking the *Cheonan*, the Security Cou expresses its deep concern.
>
> "The Security Council takes note of responses from other relevant parties, includ from the Democratic People's Republic of Ko which has stated that it had nothing to do with incident.
>
> "Therefore, the Security Council conde the attack that led to the sinking of the *Cheo*
>
> "The Security Council underscores importance of preventing further such attack hostilities against the Republic of Korea or in region.
>
> "The Security Council welcomes restraint shown by the Republic of Korea stresses the importance of maintaining peace stability on the Korean peninsula and in No East Asia as a whole.
>
> "The Security Council calls for adherence to the Korean Armistice Agreem and encourages the settlement of outstand issues on the Korean peninsula by peac

means to resume direct dialogue and negotiation through appropriate channels as early as possible, with a view to avoiding conflicts and averting escalation.

"The Security Council reaffirms the importance that all Member States uphold the purposes and principles of the Charter of the United Nations."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2010/13.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 9.50 a.m.

United Nations S/PV.6356

Security Council

Sixty-fifth year

Provisional

6356th meeting

Monday, 12 July 2010, 10 a.m.

New York

President:	Mrs. Ogwu	(Nigeria)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mr. Moretti
	China	Mr. Long Zhou
	France	Mr. Bonne
	Gabon	Mr. Issoze-Ngondet
	Japan	Mr. Takasu
	Lebanon	Mr. Salam
	Mexico	Mr. Heller
	Russian Federation	Mr. Pankin
	Turkey	Mr. Çorman
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. DiCarlo

Agenda

The situation concerning Iraq

Second report of the Secretary-General pursuant to paragraph 3 of resolution 1905 (2009) (S/2010/359)

Note verbale dated 18 June 2010 from the Permanent Mission of Iraq to the United Nations addressed to the President of the Security Council (S/2010/365)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

10-44502 (E)

Please recycle

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Iraq

Second report of the Secretary-General pursuant to paragraph 3 of resolution 1905 (2009) (S/2010/359)

Note verbale dated 18 June 2010 from the Permanent Mission of Iraq to the United Nations addressed to the President of the Security Council (S/2010/365)

The President: I should like to inform the Council that I have received a letter from the representative of Iraq, in which he requests that the Committee of Financial Experts of Iraq be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite Mr. Abdul Basit Turky Saed, head of that Committee, to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Abdul Basit Turky Saed (Iraq) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jun Yamazaki, Controller of the United Nations.

There being no objection, it is so decided.

I invite Mr. Yamazaki to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of Council members to document S/2010/359, containing the second report of the Secretary-General pursuant to paragraph 3 of resolution 1905 (2009), and document S/2010/365, containing a note verbale dated 18 June 2010 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council and its enclosures.

At this meeting, the Security Council will hear briefings by Mr. Jun Yamazaki and Mr. Abdul Basit Turky Saed.

I now give the floor to Mr. Yamazaki.

Mr. Yamazaki: I thank you, Madam, for this opportunity to apprise the Council on the progress made in strengthening financial and administrative oversight of the current Development Fund for Iraq (DFI), on the legal issues and options to be considered to implement successor arrangements, and on the assessment of the Government of Iraq's progress in preparing for the successor arrangements for the DFI, as presented in the Secretary-General's report (S/2010/359) pursuant to paragraph 3 of resolution 1905 (2009).

With regard to the activities of the DFI and the International Advisory and Monitoring Board (IAMB), the IAMB, at its meeting in Paris on 28 and 29 April, concurred with the recommendation of the Government of Iraq to appoint PricewaterhouseCoopers to conduct the 2010 audit of the Development Fund. I am pleased to note that the Government of Iraq will follow the same selection procedure in 2011, and I understand that the Government of Iraq will continue to select an independent international auditor that will be responsible for auditing the successor entity to the DFI beyond next year as well.

In the absence of a fully operational comprehensive oil-metering system, it is not possible reliably to determine the volume of all export sales of petroleum, petroleum products and natural gas from Iraq for which proceeds are to be deposited in the oil proceeds receipts account and the DFI accounts. In this respect, I am concerned that there are delays in implementing the comprehensive oil-metering system, and I strongly urge the full and timely implementation of the system, as initially envisaged by the Government of Iraq.

I should like to recall that the Government of Iraq initially planned for the oil-metering system to become fully operational by the end of 2011, except for one State company, which will be completed by 2012. I

note the fact that the Board of the Extractive Industries Transparency Initiative (EITI) has accepted the application of Iraq to become a candidate country, and I encourage the Government of Iraq to complete compliance and validation by February 2012 to become an EITI-compliant country.

I turn now to the legal issues and options relating to the successor arrangements for the DFI. First, with respect to the obligatory payments to the United Nations Compensation Commission fund, I am pleased that the Government of Iraq has received confirmation from the Federal Reserve Bank of New York of continuation of the existing mechanism in place after 31 December 2010, and I note that the Government of Iraq will open a separate sub-account with the same bank, into which 5 per cent of revenues from oil exports will be transferred automatically.

Secondly, as to privileges and immunities of the DFI, in accordance with paragraph 22 of its resolution 1483 (2003), the Security Council accorded the DFI privileges and immunities equivalent to those enjoyed by the United Nations. From its inception in 2003, it was clearly understood that the DFI would enjoy such privileges and immunities for a limited and specified period of time. Therefore, once the DFI becomes a fully nationally owned and controlled fund, there is no legal basis for extending such privileges and immunities.

Thirdly, with respect to the Iraq escrow account and other transfers to the DFI, once all outstanding activities under the oil-for-food programme are concluded, and taking into account issues mentioned in the first report of the Secretary-General (S/2010/166) of 1 April 2010, all other remaining funds should be transferred from the Iraq escrow account to the DFI. In this respect, I welcome the work of the Iraqi ministerial committee that has reviewed all of the outstanding letters of credit and the committee's decision to pay 26 letters of credit. I look forward to receiving from the Government of Iraq the requisite confirmation of arrival documents for those letters of credit so that the Secretariat can proceed and process the payments to the respective beneficiaries.

Absent the receipt by the Secretariat of the aforementioned requisite confirmation of arrival documents, the Security Council has the option of cancelling the remaining letters of credit with outstanding claims of delivery, subject to the provision by the Government of Iraq of a comprehensive indemnity with regard to all activities of the Organization and its representatives and agents in connection with the oil-for-food programme since its inception.

With regard to the assessment of the progress of the Government of Iraq in preparing for successor arrangements for the DFI, I note that the Government of Iraq reports that measures have been implemented in accordance with the plan presented in its first quarterly report to the Security Council, included in document S/2010/308. However, work remains to be done to fully implement the action plan for the transition to successor arrangements for the DFI, and I look forward to keeping the Security Council informed on the Government of Iraq's progress in preparing for such arrangements.

This completes my briefing on the Secretary-General's report pursuant to paragraph 3 of resolution 1905 (2009). I will be happy to respond to any questions posed by members of the Council relating to the report.

The President: I thank Mr. Yamazaki for his briefing.

I now give the floor to Mr. Basit.

Mr. Basit (Iraq) (*spoke in Arabic*): It is my pleasure to make a few remarks on the report of the Government of Iraq that is before the Security Council(see S/2010/365, annex). Pursuant with paragraph 5 of resolution 1905 (2009), the Government of Iraq submitted its second quarterly report to the Security Council. The report adopts the same methodology of the first quarterly report (see S/2010/308, annex).

The Government of Iraq has affirmed in its previous and current reports its intention to adopt the same mechanism currently in use for the Development Fund for Iraq (DFI) in maintaining an account in which to deposit all receipts of export sales of Iraqi oil, and a sub-account in which the percentage for compensation will be transferred automatically. To fulfil the requirements of resolution 1905 (2009), the Government of Iraq has taken a number of actions concerning which we would like to state the following.

First, the ministerial committee charged with implementing resolution 1905 (2009) studied and reviewed the remaining letters of credit from the

United Nations oil-for-food programme as of 31 December 2009 and decided to pay 26. The relevant documents will be sent to the United Nations to make the payments. The Committee of Financial Experts followed up the reasons presented by the State entities relating to these controversial letters of credit, as their defences were focused on the lack of documentation related to the receipt of goods subject to the letters, in accordance with paragraph 25 of the memorandum of understanding signed with the United Nations in 1996 pursuant to resolution 986 (1995). The Board of Supreme Audit is still auditing the ministries in case any official documents related to the remaining letters of credit are available.

Secondly, with regard to debts inherited from the previous regime, the Minister of Finance of the Government of Iraq sent confirmation letters to his counterparts in the States outside the Paris Club that had not yet responded to calls for debt settlement. Since the Ministry of Finance sent the report of the Government of Iraq to the Council, it has received a positive response from the Government of Pakistan expressing its desire to discuss the restructuring of Iraq's debt. Negotiations held with Brazil in June are continuing and are expected to take some time due to several reasons, including the presidential elections scheduled for October. Initial negotiations were also held with Poland in June. Since the bulk of the remaining debt is owed to the Gulf Cooperation Council States, the Committee of Financial Experts believes that the assistance of the brotherly and friendly States may have a positive impact on implementation of the resolutions of the Arab summits issued in this regard.

With respect to commercial creditors, three British companies have responded to Iraq's call to purchase their debt. The Government of Iraq has demonstrated its serious intention to finalize those issues related to commercial creditors that have not yet registered claims, as well as the compensation issues it anticipates will be filed after immunities are removed from Iraqi funds. These will be finalized through legal contracts yet to be drafted, which will be drawn up as complete packages to settle these claims after scrutiny by Iraqi legal authorities and which the Government of Iraq intends to sign.

Regarding financial and administrative control over the current DFI, the Committee of Financial Experts found that the Government of Iraq took the following steps. First, based on a recommendati from the Committee, the Government of Iraq h signed a contract with PricewaterhouseCoopers for t 2010 DFI audit. The Committee of Financial Expe will continue to use the same methodology to audit t cash flows of successor accounts of the DFI subsequent fiscal years. In this regard, we wou stipulate that the number of ministries and entit unrelated to the ministries is 41, each of which h prepared a structural chart to submit to the legislati authorities for their consideration and adoption.

Secondly, the Committee of Financial Experts following up implementation of the oil metering a calibration system by the Ministry of Oil on a quarte basis, as shown in attachment 2 of the second quarte report of the Government of Iraq (see S/2010/3 annex), where a positive diversion appears in t export area and a negative diversion appears in t internal distribution area. This internal distributi network is not relevant to resolution 1483 (2003). T Committee of Financial Experts requested the D 2010 auditors, PricewaterhouseCoopers, to conduct special field audit to assess implementation of t metering system and to present a report to t International Advisory and Monitoring Board (IAM and the Committee during the next IAMB meeting be held in October.

Thirdly, relating to frozen Iraqi assets abroad, addition to the endeavours of the Ministry of Finar to establish records and a database on those assets, t ministerial committee charged with this task manag to obtain a verdict to recover $300 million in ass from Switzerland and €25 million in France, addition to other fixed assets. The follow-up contin to recover assets through legal means, including res to the Security Council Committee establish pursuant to resolution 1518 (2003).

The follow-up of the Committee of Financ Experts on the contacts made by the Government Iraq with international agencies and advisors h shown that the protection provided so far by exter parties has not achieved the level of the immunit provided by a Security Council resolution. As noted resolution 1483 (2003) and subsequent resolutions, t purpose of establishing the DFI and immunities Iraqi funds was to ensure the use of the oil export sa funds for the benefit of the Iraqi people. Su immunities granted by the Council have played important role in ensuring the use of those funds in

interest of the Iraqi people, as confirmed in paragraph 18 of the minutes of the IAMB's most recent meeting in 2010.

Despite the determination of the Iraqi Government authorities and relevant parties to implement resolution 1905 (2009), the Committee of Financial Experts found that the Council's support through the adoption of a résolution to extend the immunities for a further period of one year or less in order to accompany the establishment of the new successor mechanism to the DFI would help the Government of Iraq to implement that mechanism. Without that support, the Government may be unable to fulfil its internal or external obligations should a case arise by which Iraqi commercial or sovereign funds become attached through a court order resulting from a claim filed against the conduct of the previous regime.

At the same time, such an extension would assist the Committee of Financial Experts in completing its assigned tasks relating to successor arrangements for the DFI and the IAMB, and in ensuring that future mechanisms maintain this level of transparency and accountability in the sources and use of Iraqi public funds for the benefit of the Iraqi people. The extension would also coincide with the meetings to decide the successor arrangements for the DFI and the IAMB.

The President: I thank Mr. Basit for his briefing.

In accordance with the understanding reached in the Council's prior consultations, I now invite members to continue our discussion of the matter in a closed meeting.

The meeting was adjourned at 10.40 a.m.

United Nations S/PV.6357

Security Council

Distr.: General
12 July 2010

Original: English

Official communiqué of the 6357th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Monday, 12 July 2010, at 10.45 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 6357th meeting, held in private on 12 July 2010, the Security Council considered the item entitled 'The situation concerning Iraq'.

"Pursuant to the decision taken at the 6356th meeting, the President recognized the presence of Mr. Abdul Basit Turky Saed, Head of the Committee of Financial Experts of Iraq, at the Council table, in accordance with rule 37 of the Council's provisional rules of procedure.

"The President, with the consent of the Council, invited the representatives of those countries, who had so requested, to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

"Pursuant to the decision taken at the 6356th meeting, the President recognized the presence at the Council table of Mr. Jun Yamazaki, Controller of the United Nations, in accordance with rule 39 of the Council's provisional rules of procedure.

"The members of the Council and Mr. Basit had an exchange of views."

10-44686 (E) 120710

Please recycle

United Nations S/PV.6358

Security Council

Sixty-fifth year

Provisional

6358th meeting

Tuesday, 13 July 2010, 10 a.m.

New York

President:	Mrs. Ogwu	(Nigeria)
Members:	Austria	Ms. Kyrle
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Yang Tao
	France	Mr. Arnaud
	Gabon	Mr. Issoze-Ngondet
	Japan	Mr. Takasu
	Lebanon	Mr. Assaf
	Mexico	Mr. Heller
	Russian Federation	Mr. Dolgov
	Turkey	Mr. Söylemez
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Mr. Quarrey
	United States of America	Ms. Anderson

Agenda

Peace consolidation in West Africa

Report of the Secretary-General on the United Nations Office for West Africa (S/2010/324)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

10-44726 (E)

Please recycle

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Peace consolidation in West Africa

Report of the Secretary-General on the United Nations Office for West Africa (S/2010/324)

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Said Djinnit, Special Representative of the Secretary-General and head of the United Nations Office for West Africa.

It is so decided.

I invite Mr. Djinnit to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of members to document S/2010/324, which contains the report of the Secretary-General on the United Nations Office for West Africa.

At this meeting, the Security Council will hear a briefing by Mr. Said Djinnit, to whom I now give the floor.

Mr. Djinnit: It is a distinct honour and privilege to introduce to the Security Council the report of the Secretary-General (S/2010/324) on the activities of the United Nations Office for West Africa (UNOWA), and to brief the Council on the overall peace and stability situation in the subregion during the past six months. I am particularly pleased that this meeting is being held under the auspices of Nigeria, the country currently assuming the chairmanship of the Economic Community of West African States (ECOWAS).

When I briefed the Council six months ago (see S/PV.6256), West Africa presented a mixed picture of positive developments and less encouraging trends, thus raising legitimate concern about the prospects for consolidating peace and stability in the region. Indeed, a presidential election was pending in Togo in an atmosphere of deep anxiety and widespread tensi constitutional crisis was evolving in Niger with prospect for a consensual solution. The situatio Guinea was deteriorating, while existing and eme challenges such as food insecurity, drug trafficking criminal activities, including terrorist acts, affecting the lives of large segments of the popul in the subregion.

Since then, West Africa has made signif progress in crisis prevention and peacebuilding a daunting difficulties and persistent challenges. the past six months, the global economic recovery supported economic growth in West Africa. How this growth has yet to be translated into effective sustainable poverty reduction programmes, prospects for achieving the Millennium Develop Goals remain weak. In addition, the ongoing crisis is affecting millions of people in the S particularly in Niger, where over 7 million peopl an estimated 60 per cent of the country's populatio face the threat of famine and are in the midst serious food, nutrition and pastoral crisis.

On the political front, the holding of peac elections in Togo and the subsequent formation new Government with the participation of part o opposition, as well as the continued commitment o authorities of Niger to the transition progra scheduled to end in March 2011, are encouraging s of progress.

During the reporting period, great emphasis also placed on addressing the crisis in Guinea, w the process towards constitutional order has moving forward. Despite the numerous hur encountered, the first round of presidential elect was organized peacefully on 27 June. I am proud o collaborative efforts by different United Nat entities in supporting the Guinean transition proc including through the financial support of Peacebuilding Support Office and by initiating secu sector reform (SSR). Now that the country is prepa for the second round of the presidential election, United Nations should continue to provide the mu needed support for completing the electoral proces a smooth and peaceful manner, and more importan develop a framework for sustaining democr governance and promoting development bey elections.

Needless to say, stable and peaceful democratic governance in Guinea will have far-reaching implications for regional stability, especially in consolidating hard-won peace in Sierra Leone and Liberia and in enhancing efforts to address the ongoing crisis in Guinea-Bissau. I wish to seize this opportunity to commend the International Contact Group on Guinea for its valuable contribution to the transition process, particularly the critical role played within that Group by members of the Council.

The Office has also focused on key cross-cutting and cross-border issues that are affecting peace and stability in the subregion. In this regard, UNOWA established a regional network of practitioners to assist West African countries in the area of security sector reform. This network has so far made a contribution to the development by ECOWAS of its regional SSR framework and to the preparation of the SSR assessment process in Guinea. These are only initial steps which need to be reinforced in order to respond to the growing needs of the subregion in this field. That is all the more important in view of the linkages among SSR, democratic governance and the fight against drug trafficking, another priority area in which the Office has been working closely with ECOWAS and the United Nations Office on Drugs and Crime.

The recent seizure of two tons of cocaine in the Gambia, with the assistance of the United Kingdom, and the arrest of suspects in the United States who were planning to smuggle four tons of cocaine to Europe and North America through Liberia are evidence of the increasing commitment of the West African States to fighting the scourge of drug trafficking and of the vital importance of international cooperation. These developments are indeed very encouraging, bearing in mind the continuing evolution of drug trafficking methods and the possible connections with other organized criminal activities, including acts of terrorism, especially in the Sahel band and beyond.

The Office pursued its efforts to promote the role of women in consolidating peace and stability in the subregion, in line with resolution 1325 (2000) and all subsequent resolutions. In particular, UNOWA engaged women's associations and leaders in Guinea in support of the transition process, including the conduct of peaceful elections.

Allow me to conclude by making four observations. First, the recent progress made in consolidating peace and stability in West Africa highlights the role that UNOWA plays as an effective regional tool of the United Nations for conflict prevention and peacebuilding.

Secondly, this progress has been achieved, first and foremost, thanks to the commitment and sacrifice of the people of the region and its leaders. It has also been effectively supported through the excellent collaboration that UNOWA has forged with ECOWAS, as the leading regional institution, and the African Union, which in the case of Guinea has contributed to galvanizing the international community into concerted action to help move the transition process forward.

Thirdly, recent experience in the subregion has shown that opportunities for crisis prevention and sustainable peace are available now more than ever before. Indeed, international assistance and capacity-building programmes, such as support to SSR, electoral assistance, the promotion of human rights and cooperation in the fight against drug trafficking and organized crime could provide, in my view, useful entry points for conflict prevention.

Fourthly, despite significant progress in peace consolidation, West Africa remains at a crossroads, owing to the persistence of the root causes of conflicts in the region, such as social disparities, ethnic tensions and governance challenges, which risk undermining the progress achieved. This requires the continued support of the international community, including the United Nations, to maintain the momentum for peace and stability in the subregion.

Finally, I wish to thank the members of the Council for their continued commitment to peace and security in West Africa and their tireless efforts towards addressing the challenges the subregion faces.

The President: I thank Mr. Djinnit for his briefing.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.25 a.m.

United Nations S/PV.6359

Security Council

Sixty-fifth year

Provisional

6359th meeting

Thursday, 15 July 2010, 10 a.m.

New York

President	Mrs. Ogwu	(Nigeria)
Members	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Yang Tao
	France	Mr. Araud
	Gabon	Mr. Onanga Ndiaye
	Japan	Mr. Takasu
	Lebanon	Mr. Assaf
	Mexico	Mr. Heller
	Russian Federation	Mr. Safronkov
	Turkey	Mr. Çorman
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Mr. Quarrey
	United States of America	Ms. Anderson

Agenda

The situation in Guinea-Bissau

Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Integrated Peacebuilding Office in that country (S/2010/335)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

10-45202 (E)

Please recycle

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Guinea-Bissau

Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Integrated Peacebuilding Office in that country (S/2010/335)

The President: I should like to inform the Council that I have received a letter from the Minister for Foreign Affairs of Guinea-Bissau, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite the Minister for Foreign Affairs of Guinea-Bissau to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Queta (Guinea-Bissau) took a seat at the Council table.

The President: On behalf of the Council, I wish to extend a warm welcome to the Minister for Foreign Affairs of Guinea-Bissau, His Excellency Mr. Adelino Mano Queta.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Joseph Mutaboba, Special Representative of the Secretary-General and head of the United Nations Integrated Peacebuilding Office in Guinea-Bissau.

It is so decided.

I invite Mr. Mutaboba to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Her Excellency Mrs. Maria Luiza Ribeiro Viotti, Permanent Representative of Brazil, in her capacity as Chair of the Guinea-Bissau configuration of the Peacebuilding Commission.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of members to document S/2010/335, which contains the report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Integrated Peacebuilding Office in that country.

At this meeting, the Security Council will hear briefings by Mr. Joseph Mutaboba, Special Representative of the Secretary-General and head of the United Nations Integrated Peacebuilding Office in Guinea-Bissau, and Her Excellency Mrs. Maria Luisa Ribeiro Viotti, Permanent Representative of Brazil, in her capacity as Chair of the Guinea-Bissau configuration of the Peacebuilding Commission.

I now give the floor to Mr. Mutaboba.

Mr. Mutaboba: It is a great privilege for me to present to the Security Council the second report of the Secretary-General (S/2010/335) on the activities of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS). I also appreciate the opportunity to exchange views on the most recent developments in Guinea-Bissau.

The latest report of the Secretary-General before the Council focuses on the political and security situation leading up to and following the events of 1 April, when troops acting under the orders of the then Deputy Chief of General Staff took control of the armed forces headquarters, detained the Chief of General Staff and briefly detained the Prime Minister. On the same day, military armed elements forced their way into the United Nations premises in Bissau to demand the immediate release of the former Navy Chief of Staff, Bubo Na Tchuto, who left the building after signing a statement that he was leaving voluntarily and peacefully. The report also focuses on the efforts of international stakeholders in the country and in the subregion to impress upon national authorities the need to restore and respect constitutional order and enhance control of legitimate civilian institutions over the defence and security forces of the country.

In my last presentation to this Council (see S/PV.6281), I emphasized the significance of this year as a turning point for sustaining progress in Guinea-Bissau, building on the good economic performance and reformist commitment of the Government and the leadership of the armed forces at that time, and for advancing major reforms for the long-term stability of the country. The 1 April events, which constituted a serious breach of constitutional order, as well as defiance of the international community with the violation of the United Nations premises in Bissau, have underlined the extreme fragility of the peacebuilding process and its vulnerability to reversals. Key challenges and obstacles to stability in Guinea-Bissau are well known, including the weakness of State institutions, the insubordination of the armed forces to the civilian leadership, critical development gaps, and the illicit drug trafficking and organized crime that have been affecting the whole subregion. Allow me at this stage to highlight major developments since the issuance of the report before the Council.

On 24 June, Prime Minister Gomes Júnior chaired a session of the Council of Ministers which considered a proposal submitted by the Ministry of Defence regarding the nomination of the new Chief of General Staff of the armed forces. The communiqué issued by the Council of Ministers urged the President to appoint a new Chief of General Staff without delay and recommended that the President proceed with the release of the former Chief of General Staff, Vice Admiral Zamora Induta, who to this day is being held in detention at Mansoa barracks.

On 25 June, Prime Minister Gomes Júnior met President Malam Bacai Sanha, and speaking to the press after the meeting, confirmed that he and the President were in agreement on the issue of the military leadership. Subsequently, on that same day, President Sanha issued a presidential decree dismissing Vice Admiral José Zamora Induta from his position as Chief of General Staff, and appointing Major General António N'djai as the new Chief of General Staff of the armed forces of Guinea-Bissau. Major General N'djai was formally sworn in on 29 June and promoted to the rank of Lieutenant General. President Sanha stressed that the decision to appoint General N'djai was a sovereign decision not taken under coercion, and called on the new military chief to ensure respect for the civilian authorities.

These recent developments are an indication that civilian authorities in Guinea-Bissau are yet to exercise full control over the armed forces. The appointment of Lieutenant General N'djai was criticized by the Economic Community of West African States (ECOWAS), the European Union, the African Union and the United States Government, among other partners, given his lead role in the 1 April military insurrection. In an immediate reaction, a meeting of ECOWAS Chiefs of Defence Staff scheduled to take place in Bissau on 28 and 29 June was called off by the ECOWAS Commission. Subsequently, consultations were held at the margins of the ECOWAS Summit of Heads of State and Government, which took place in Sal, Cape Verde, from 1 to 3 July. However, these consultations were held without the authorities of Guinea-Bissau, who decided not to attend the informal meeting convened on 3 July. During the informal meeting, attended by the Foreign Ministers of Angola, Brazil, Cape Verde and Portugal, as well as representatives from ECOWAS, the European Union, the Community of Portuguese-Speaking Countries and myself, on behalf of the United Nations, a consensus was reached on the need to continue to advance key reforms in Guinea-Bissau, and in particular a more robust security sector reform programme, as a first step towards strengthening civilian oversight of the security institutions and creating professional and effective security forces capable of confronting the severe internal and external challenges the country now faces.

Let me, in this context, update members of the Security Council on recent developments in the area of security sector reform (SSR). As announced at my last briefing to the Security Council in March, an international sensitization conference on security sector reform was held on 23 and 24 June in Bissau. The conference was opened by President Malam Bacai Sanha and closed by Prime Minister Carlos Gomes Júnior, who also attended the opening ceremony. It was co-organized by the Government of Guinea-Bissau and UNIOGBIS, and attended by the main national and international actors involved in the SSR process in Guinea-Bissau, including ECOWAS, bilateral partners, civil society and non-governmental organizations. The conference gave an opportunity to international partners, including ECOWAS and the United Nations, to remind national authorities that, beyond their renewed political commitment to pursuing key reforms, some prerequisites set by international partners had to be addressed to sustain the support of the international

community. It is important to continue to push for these prerequisites to be met, in particular the immediate release of former Chief of General Staff, Vice Admiral Induta.

With respect to the Commission of Inquiry into the March 2009 assassinations of President Vieira and Chief of General Staff Tagme Na Waie, the Prosecutor General informed me that the investigation is nearing completion and that he needed to meet witnesses who are abroad, including the widow of the late President. He requested in that regard financial assistance and international expertise, including from Brazil and the European Union, so as to conclude the investigations. Together with other international partners on the ground, we have conveyed to the national authorities that granting the assistance requested by the Minister of Justice and the Prosecutor General would require that guarantees of the fairness and credibility of the investigations conducted so far be obtained first, simply because we do not want to be a rubber stamp for what has been done.

I would also like to highlight recent progress made on the socio-economic front. From 17 to 25 June, a mission of the International Monetary Fund (IMF) visited Bissau and expressed satisfaction at the economic performance through May and the good progress made in meeting structural benchmarks established for mid-June. It also indicated that if performance remained at current levels, the country could reach the completion point for the Heavily Indebted Poor Countries Debt Initiative in late 2010. The IMF will be sending a mission in September to review Guinea-Bissau's economic performance in the first half of the year under the Extended Credit Facility. While these developments are encouraging, economic performance depends on political stability, and we must therefore make sure that international assistance on the socio-economic front is fully consistent with our efforts on the political and security issues.

The challenges in Guinea-Bissau are significant, but not insurmountable if addressed without delay. The status quo would certainly allow the challenges, not to mention the spillover effect on the entire subregion, to grow bigger. While the onus is clearly on the national authorities to be mindful of these challenges and to address them urgently, the international community can resort to a firmer posture to ensure that critical steps are taken that will help stabilize the country. What is needed at this stage is the firm and genuine commitment of the national authorities to continuing with security sector and other reforms, more efficient strategies, leaders respectful of constitutional order and the rule of law, as well as a practical and time-bound road map developed by national stakeholders for the implementation of these strategies.

We also need more robust international action in addressing key challenges such as drug trafficking and organized crime. Such actions should be combined with a firm posture vis-à-vis national authorities, especially the leadership of the armed forces, to ensure their understanding of the need to stay the course of the reform process based upon internationally accepted standards.

The President: I thank Mr. Mutaboba for his briefing.

I now give the floor to Her Excellency Mrs. Maria Luiza Ribeiro Viotti.

Mrs. Viotti: I thank you, Madam President, for inviting me to brief the Security Council in my capacity as Chair of the Guinea-Bissau configuration of the Peacebuilding Commission. I extend a warm welcome to the Minister for Foreign Affairs of Guinea-Bissau, His Excellency Mr. Adelino Mano Queta. I also thank the Special Representative of the Secretary-General, Mr. Joseph Mutaboba, for his remarks and for his work at the helm of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS).

Since I last briefed the Council (see S/PV.6281), a number of developments have affected the peace consolidation process in Guinea-Bissau and the engagement of the Peacebuilding Commission in that country. I refer, in particular, to the acts perpetrated by members of the military on 1 April, which brought further challenges to the prevalence of civilian rule in Guinea-Bissau.

The members of the Guinea-Bissau configuration met on 26 April to discuss the situation on the ground. It was agreed that I should send a letter to the Minister for Foreign Affairs, which I have done. The letter expressed concern with the situation created after the events of 1 April and regretted that they took place at a time when Guinea-Bissau was making important progress in many domains. It noted the importance of the Government and the military leadership working together to strengthen State institutions, promote economic development, uphold the rule of law, fight

impunity and combat drug trafficking and organized crime. It also called on the civilian and military authorities to engage in genuine national dialogue.

The Peacebuilding Commission emphasized that the April events illustrated the centrality of security sector reform and referred to the high-level event that was being planned before the events of 1 April to mobilize resources to establish a pension fund for the military. It also noted that successful security sector reform efforts would require the appointment of new military leadership in accordance with the letter and spirit of the constitutional framework. It further stressed the priority attached by the Peacebuilding Commission to the need for the former Chief of General Staff of the armed forces and other officers arrested in April to be either released or legally prosecuted.

In his response to the Peacebuilding Commission, Foreign Minister Mano Queta reiterated his Government's commitment to the peacebuilding process and the implementation of critical reforms, including the reform of the security sector. He informed us that the Government had taken action to restore constitutional order and the normal functioning of State institutions. Minister Mano Queta also expressed the expectation that the planned security sector reform high-level event would strengthen the Government's relations with the Peacebuilding Commission and generate support for urgent projects.

The Peacebuilding Commission remains firmly committed to supporting Guinea-Bissau in its peace consolidation efforts. We so stated in the aforementioned letter to the Minister of Foreign Affairs and would like to reiterate it now. Our engagement is based on the principle of mutual accountability and aims at consolidating democratic institutions, without which peace and stability will always be fragile.

The April events reflected a sad pattern of addressing political disputes by force and therefore should be strongly condemned. Events such as these send a wrong message of disrespect for the rule of law. They represent a setback to the peace consolidation process and tend to discourage partners from deepening their engagement with the country. Instead, what should be required at this stage is a message of strong commitment to the rule of law. The population needs to perceive Government institutions as legitimate bodies that work within a framework of democracy and constitutional order.

In this regard, a solution to the Zamora Induta case is indispensable to boosting the peacebuilding process in the country. We reiterate the need for the former Chief of General Staff and other detained officers to be either released or legally prosecuted with full respect for due process.

In spite of the current challenges, it is necessary to find ways to maintain the international engagement with Guinea-Bissau. It is imperative to help Bissau Guineans to consolidate their institutions as a means of addressing the root causes of instability.

Security sector reform remains a critical peacebuilding priority. Measures to train the security and military forces and strengthen professionalism are indispensable. It goes without saying, however, that any successful security sector reform strategy in Guinea-Bissau must rely on cooperation and dialogue between the international community and national interlocutors who have the full support of the Government and international partners alike. The subordination of the military to civilian rule is also an essential ingredient of such a collective endeavour. The Secretary-General has proposed, in this regard, ways to strengthen the security of civilian authorities.

Another issue of grave concern to the members of the Peacebuilding Commission is drug trafficking. An effective fight against illegal drugs requires functioning State institutions, especially in the areas of justice and security, as well as firm political will. The latter is key to securing the international assistance necessary for Guinea-Bissau to increase its national capacity in this domain.

We welcome the recent statement by President Malam Bacai Sanha in which he urged the armed forces to submit to civilian rule. He also highlighted the importance of a security sector reform process led by the State and of a relentless fight against drug trafficking and organized crime.

These efforts must be reinforced by a regional approach. We therefore emphasize the important role played by the African Union and the Economic Community of West African States (ECOWAS). Also, as individual Governments and collectively, we must all do more and better to support implementation of the ECOWAS regional action plan and the West Africa

Coast Initiative. These are all necessary undertakings to strengthen the capacity of the Bissau Guinean police forces in their fight against drug trafficking.

International cooperation efforts to consolidate peace should not rest solely upon security-related aspects. In order for peace to take hold, the foundations for social and economic development must be strengthened. We need to support capacity-building and help the country revitalize its economy. At the end of the day, it is the revitalization of the economy and the creation of job opportunities that will generate the resources to provide basic services to the population and those necessary for the State to function in a sustainable manner.

In Guinea-Bissau, as everywhere else, peacebuilding will succeed if society and its leaders so wish and if, as a country, they are ready to make the difficult decisions needed to consolidate stability and lay the foundations for prosperity.

The events of 1 April, despite their worrisome consequences, reflected one positive aspect — the significant support shown by the population for the country's democratic institutions. This is a clear indication that Bissau Guineans are a peaceful people who cherish the value of democracy and are eager to reap the long-awaited dividends of peace. The reconciliation forum to be organized by the National Assembly in January 2011 will be a good opportunity to further engage the population in a frank discussion of the country's future. We hope that it will contribute to identifying ways and means to break the pattern of settling disputes through violent means.

The President: I thank Mrs. Viotti for her briefing.

I now give the floor to the Minister for Foreign Affairs of Guinea-Bissau, His Excellency Mr. Adelino Mano Queta.

Mr. Queta (Guinea-Bissau) *(spoke in Portuguese; English text provided by the delegation)*: Allow me, Madam President, to congratulate you on behalf of my Government on your assumption of the presidency of the Security Council for the month of July. Your country, Nigeria, has always played a decisive role in the resolution of conflicts on our continent, in particular in the West African subregion in the framework of the Economic Community of West African States (ECOWAS). We are convinced that the Security Council will review the situation in Guinea-Bissau with particular attention under your presidency and contribute to the search for peace and stability in our country.

Allow me, on behalf of my Government, to thank the Secretary-General for his report on the situation in Guinea-Bissau (S/2010/335). We note with particular attention the observations contained in the report.

We would like to express our gratitude to the Special Representative of the Secretary-General, Ambassador Joseph Mutaboba, for his tireless dedication and contribution to peace and stability in Guinea-Bissau. His presentation illustrates the complexity of the situation and the seriousness of the pressing problems facing Guinea-Bissau. The current situation clearly results from various factors that have contributed negatively to the persistent cyclical crises, which we regret. Such recurrent crises have placed Guinea-Bissau on the agenda of the Security Council for many years. Time is of the essence and we Guineans must assume our responsibilities, turn the page once and for all and set our country on the path to sustainable peace and stability.

We express our gratitude to Ambassador Viotti for her presentation of the work of the Guinea-Bissau country-specific configuration of the Peacebuilding Commission, which she has led with great dedication and skill. We highly appreciate the efforts of the Peacebuilding Commission, which have greatly contributed to creating better conditions for dialogue among Guineans aimed at restoring political stability in my country.

My presence at this meeting of the Security Council is a testimony to the importance my Government accords to the Council's deliberations and reflects its determination to work tirelessly to achieve peace and stability in Guinea-Bissau. The challenges are enormous and the means to tackle them scarce. Alone, Guinea-Bissau will not be able to overcome the current situation. We are at a crucial turning point. The aspirations and legitimate expectations of our people must not continue to be compromised, and we are fully aware of that.

The progress in consolidating democracy and the rule of law must not be permanently stalled. The recent tragic developments in our country, in particular the assassinations of the President of the Republic, the Army Chief of General Staff and other high-ranking

officials have profoundly affected Guinean society and are contrary to our cultural values of dialogue and brotherly coexistence. As recently stated by President of the Republic Malam Bacai Sanha at a meeting of the defence corps, the events of 1 April are unacceptable and must not be repeated.

The authorities of my country are of the view that the reform of the defence and security sectors is fundamental and must not be postponed. We are fully conscious of the fact that Guinea-Bissau needs a republican and modern army dedicated to the important role of consolidating the rule of law. The recent conference on the reform of the defence and security sectors, held in June in Bissau, took place in an environment of candour and cordiality and demonstrated the resolve of the military to undertake these reforms. I take this opportunity to thank the members of the international community — in particular our brothers from ECOWAS, the European Union, Portugal and Brazil — for their tireless support for our country in this process.

Significant steps have already been taken and we must now persevere in the same spirit of cooperation and determination. If these security and defence reforms are to take place, the Government of Guinea-Bissau must enjoy the support of the international community in the establishment of a pension fund. In this regard, the convening of a high-level meeting on security sector reform and a round table with our development partners is essential to the future of our country.

We reaffirm the determination of our Government to fight resolutely against drug trafficking in our country and the subregion, of course with the technical and legal assistance of our partners.

In spite of the persistent crises that have shaken our country in recent times, Guinea-Bissau should not be considered a lost cause. We understand the legitimate concerns and questions of the international community, but on behalf of my country I can assure the Council that the authorities of my country are firmly committed to consolidating democracy and the rule of law, fighting impunity and creating an environment conducive to stability and the well-being of our people. We count on the international community's solidarity and support.

The President: I thank Minister Queta for his statement.

There are no further speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.50 a.m.